

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

- - - - -X
IOWA PRIMATE LEARNING SANCTUARY :
d/b/a GREAT APE TRUST AND :
APE COGNITION AND COMMUNICATION :
INSTITUTE, :
: :
Plaintiffs, : Case No. 4:10-cv-00052
: :
vs. :
: :
ZOOLOGICAL FOUNDATION OF :
GEORGIA, INC. d/b/a ZOO ATLANTA, :
DEMOCRATIC REPUBLIC OF CONGO, :
JAPAN MONKEY CENTRE INSTITUTE :
AND MUSEUM OF PRIMATOLOGY, and :
SUE SAVAGE-RUMBAUGH, Ph.D., :
: :
Defendants, : TRANSCRIPT OF HEARING
: VOLUME I
and :
: :
BONOBO HOPE INITIATIVE, INC., :
: :
Intervenor-Defendant. :
- - - - -X

Fourth Floor, South Courtroom
United States Courthouse
123 East Walnut Street
Des Moines, Iowa 50309
Wednesday, May 27, 2015
9:26 a.m.

BEFORE: THE HONORABLE ROSS A. WALTERS, Magistrate Judge.

Terri L. Martin, CSR, RPR, CRR
United States Court Reporter
Room 189, U.S. Courthouse
123 East Walnut Street
Des Moines, Iowa 50309

APPEARANCES:

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I N D E X

WITNESSES:DIRECTCROSSREDIRECTRECROSSFor the Defendants:

Sue Savage-Rumbaugh

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81

138
149

145

Laurent Dubreuil

151

199

Lyle Simpson

218

E X H I B I T S

<u>PLAINTIFFS' EXHIBIT NUMBERS:</u>	<u>OFFERED</u>	<u>RECEIVED</u>
1004 - Change of registered agent	109	109
1005 - 10/26/13 Rumbaugh e-mail	129	129
1006 - ACCI active research protocols	215	215
 <u>DEFENDANTS' EXHIBIT NUMBERS:</u>		
23 - 12/4/12 plan of action	183	183
25 - 2/4/13 Simpson letter to Grassley	223	223
91 - Flooding report	149	150

P R O C E E D I N G S

(In open court.)

THE COURT: Please be seated, everybody.

Good morning to you all. Of course, I had seen the lawyers, but good morning to the rest of you. This, of course, is the Iowa Primate Learning Sanctuary, doing business as Great Ape Trust, and Ape Cognitive and Communication Institute versus Dr. Sue Savage-Rumbaugh and -- I will probably mispronounce this because around here we've said "boenobo" and "baunobo."

How is it correctly pronounced or is there a consensus on that point?

MR. STAMBAUGH: It's "boenobo," Your Honor.

THE COURT: It's bonobo. Thank you.

MR. ZIFCHAK: We all agree.

THE COURT: Well, good. Take a lesson from that. The Bonobo Hope Initiative, which, of course, is an intervenor. We're here today for evidentiary hearing on Savage-Rumbaugh's motion for specific performance and related relief to which the Bonobo Hope Initiative has joined. Of course, the matter as we know, concerns the enforcement of the settlement agreement and a side agreement, the latter of which -- with respect to the latter which the court has raised a jurisdictional issue. But as I said in my final pretrial order, we're going to go ahead and make the record here today because there's similarity in the issues involved in both of those things.

1 I think we're ready now for opening statements, and
2 under the pretrial order those are limited to 15 minutes. And I
3 think that -- Mr. Zifchak, you've risen. Does that mean you're
4 going to do it?

5 MR. ZIFCHAK: Yes, Your Honor.

6 THE COURT: If you would, please.

7 MR. ZIFCHAK: Good morning, Your Honor.

8 THE COURT: Good morning.

9 MR. ZIFCHAK: May it please the court. My name is
10 William Zifchak. I'm special counsel to the law firm Kaye
11 Scholer in the New York office. I retired in 2012 as a partner
12 after 30 years. I believe Your Honor has met the other members
13 of my trial team, and I'll get on with my opening.

14 Here today is a determined group of lawyers pitched
15 for conflict on a courtroom battle field not over money, indeed
16 all counsel here are serving pro bono; but as at the battle of
17 Gettysburg over an idea. Here the idea being fought over is not
18 the morality of human bondage or even ape bondage. I note that
19 this morning the Court of Appeals of my home state is hearing
20 argument on the issue of habeas corpus for chimpanzees in that
21 state; but we're not here for that issue today.

22 There can be no dispute that the primate research
23 trajectory that Dr. Sue Savage-Rumbaugh initiated four decades
24 ago in Georgia established that certain of the bonobos now in
25 residence here in Des Moines have the capacity to communicate

1 with humans in human language about their environment and their
2 feelings.

3 A recent flier for the plaintiff, Ape Cognitive and
4 Communication Institute, has a picture of Kanzi on it, and it
5 says, I know 3,000 words. For this reason, these bonobos are
6 unique in the history of mankind.

7 Let me briefly illustrate the research with a
8 three-minute excerpt from one of the videos at Exhibit 98 in
9 this case, a video prepared at Dr. Rumbaugh's direction at the
10 Language Research Center at Georgia State University.

11 Todd.

12 (Video excerpt from Exhibit 98 was played.)

13 MR. ZIFCHAK: Your Honor, the idea we're battling over
14 here today is whether this research should be continued with the
15 hope that it will unlock even greater discoveries about the
16 origins of man or whether that research trajectory should be
17 short-circuited by the current custodians of the bonobos who
18 were entrusted with their care and in so doing maligning and
19 persecuting the protagonist of that research,
20 Dr. Savage-Rumbaugh, and banning her from all access to the
21 bonobos that she nurtured.

22 These conditions have been interposed without any
23 regard for the mental health and welfare of the bonobos. The
24 current custodians have drawn a shroud of secrecy over the
25 bonobos and the facility and denied all but token access to the

1 co-owners of the bonobos, Bonobo Hope Initiative. They have
2 driven out Sue; her sister, Liz Pugh, who was featured briefly
3 in the excerpt and who worked with the bonobos since Atlanta;
4 and most recently Sue's niece, Heather, who as an infant had her
5 diaper changed by the bonobo you saw in the video, Panbanisha.

6 More to the point, the current custodians are doing
7 all of this we contend in violation of the two settlement
8 agreements which are before the court. These agreements, among
9 other things, impose Dr. Savage-Rumbaugh's research trajectory
10 on the current custodians, and the supplemental agreement
11 strongly implies that Bonobo Hope as co-owners has an equal say
12 in the, quote, residence, breeding, activities, and use of the
13 four bonobos subject to that side agreement.

14 Now, Your Honor, lest you think I am a crazed animal
15 rights activist from the upper west side of Manhattan, I am not.
16 None of my team are. Eight years ago I did not even know what a
17 bonobo was. I was introduced to this matter initially as an
18 employment dispute because by trade I'm an employment lawyer;
19 but what I've learned these past eight years is this. Sue, a
20 primatologist, had worked with her then husband, Duane Rumbaugh,
21 for 25 years at the Ape Language Research Center in Georgia
22 studying chimps and then bonobos.

23 While Duane first created the touch screen board
24 system for chimps and his own history is memorialized in a very
25 recent book called "With Apes in Mind," Sue discovered that the

1 bonobos, specifically Kanzi and his half-sister, Panbanisha, had
2 far more aptitude for language and went on to learn thousands of
3 words. They also played the piano, lit fires with matches and
4 lighters, made tools and knots, opened padlocks with keys and
5 were potty trained on a regular toilet.

6 Sue owned several of the Georgia bonobos, one of which
7 was a gift from the people of Japan. Sue, who by this time
8 already had an honorary Ph.D. from the University of Chicago, in
9 addition to her own Ph.D., gave up her tenured professorship at
10 Georgia State and in 2004 donated her ownership interest to the
11 Great Ape Trust, in exchange for a promise from Ted Townsend of
12 a job for life and to care for the bonobos for life. Sue asked
13 for no money for these priceless creatures.

14 With proper approvals Sue drove the bonobos to Iowa in
15 a school bus in 2005. Ted Townsend spent 20 million dollars
16 building a facility on donated city land that he acknowledged
17 was in a floodplain. Jealous rivals forced Sue out after two
18 years. This was the start of a pattern. Sue was reinstated
19 full time in May 2008 but supervised by a non Ph.D. named
20 William Fields. A major flood in June 2008, in Townsend's own
21 words, was the, quote, death nail for his master plan for
22 expansion at the trust. After the financial crash, he made
23 plans to pull out and relocate the bonobos.

24 The U.S. Army Corps of Engineers has banned further
25 construction at the facility and the groundwater may well be

1 toxic to the apes and to humans. Four bonobos, the one that was
2 a gift from Japan, named P-Suke, Nathen, Panbanisha, and Matata,
3 the original bonobo from Africa, have died in Iowa. Infant Teco
4 was born in 2010 with chronic health conditions.

5 In August 2011 Sue was selected as one of Time
6 Magazine's 100 most influential people in the world. To my
7 knowledge, she is the only Iowa resident ever so honored, and
8 yet in October 2011 she was locked out by Fields in the face of
9 allegations by disgruntled workers that she, herself, was a
10 danger to these bonobos. These allegations were discredited and
11 a new leadership team replaced Townsend who left the trust
12 saddled with debt.

13 Lyle Simpson, Professor Ken Schweller, and many
14 distinguished scholars wrote letters of support to the bonobo
15 research and for Sue to the Governor of the State of Iowa, its
16 senators, and its university presidents. These identical
17 allegations from 2011 were served up as new to Ken Schweller
18 when he became the new board chair, and he used them as an
19 excuse to place Sue again on administrative leave and then work
20 to relocate the bonobos. Sue was cleared once again after a
21 comprehensive investigation and things moved along until May
22 2013 when she suffered a fall and concussion at the lab. In the
23 interim, George Caudill, at Lyle Simpson's urging, was elected
24 the chair of IPLS.

25 In May 2013, the Caudill and Simpson led board,

1 including Tom Watson who is the CEO of Hy-Vee, resolved to grant
2 Sue, quote, unfettered permanent access to the bonobos. And
3 I've displayed the resolution on the screen. It's Exhibit 27 in
4 the exhibit binder.

5 The current custodians have been in breach of this
6 pledge since November of 2013 when on Sunday, November 9, Sue
7 was suddenly banned from the lab by George Caudill. She has
8 been denied access since that time. There is no dispute that
9 Sue and her husband, Duane, were banned at the insistence of
10 Yerkes Primate Research Center, a private lab that specializes
11 in invasive research on chimps and which is disserved by the
12 implications of the research trajectory.

13 Now, to bring things back to the instant motion, this
14 action was brought in interpleader, as Your Honor knows, to
15 resolve ownership claims to Matata and her son, Maisha. Sue was
16 invited to participate in this action because she had owned
17 Maisha and she asked me to represent her in the litigation. The
18 lawsuit was settled on the basis where ownership of the other
19 five bonobos, including the late Panbanisha, would be shared
20 50/50 with Bonobo Hope Initiative. The supplemental agreement
21 was the quid pro quo for Sue signing the main settlement
22 agreement. A provision common to both agreements we will show
23 mandates that whether Sue was actively involved or not, Sue's
24 research trajectory with the bonobos based on interspecies
25 immersion in a symbolic culture, which cultivates language and

1 other forms of communications in the bonobos, be continued as a
2 condition of leaving the bonobos in the care of the Iowa Primate
3 Learning Sanctuary.

4 Paragraph 5 of the supplemental agreement, at the same
5 time that that agreement awarded Bonobo Hope co-ownership,
6 identifies the trappings of ownership that Sue was releasing and
7 that we contend Bonobo Hope acquired as follows:

8 Quote, Savage-Rumbaugh acknowledges and agrees that
9 relinquishing her claim to ownership includes, but is not
10 limited to relinquishing any and all rights to determine the
11 residence, breeding, activities, or use of the Bonobo 4.

12 Bonobo Hope released no claims on to that side
13 agreement, Your Honor. It was awarded co-ownership as part of
14 the overall settlement. By implication, this clause fleshes out
15 the rights inherent in Bonobo Hope's co-ownership of the
16 bonobos.

17 The settlements require an express written
18 understanding between the parties in order to be modified.
19 There is no such amendment. The settlements also award
20 relocation rights to Bonobo Hope working in conjunction with
21 Dr. Savage-Rumbaugh should IPLS cease to exist.

22 Now, Jared Taglialatela and William Hopkins were
23 installed as Sue's successors allegedly by a vote of the Bonobo
24 Hope Board with Sue and Duane's endorsement and at Lyle
25 Simpson's urging. The successor to IPLS, the plaintiff ACCI,

1 contends that by that vote Bonobo Hope somehow put itself out of
2 business. However, neither Sue nor Bonobo Hope was aware when
3 it voted on that resolution that Sue allegedly had been
4 dismissed from her position on the IPLS Board of Directors or
5 that Jared, a former student of Sue's in Georgia, had done an
6 about-face on his decade long support of Sue's research
7 trajectory.

8 Sue was not permitted by Lyle to discuss with Bonobo
9 Hope her banishment from the lab by George Caudill on
10 November 9th before the vote. Lyle did not volunteer to Bonobo
11 Hope, which happened to be his client, that Yerkes had imposed a
12 ban on Sue's access as a condition of doing business with IPLS.
13 Lyle did not volunteer that ACCI had been created to stand in
14 the shoes of IPLS because it had been rendered inactive by the
15 Secretary of State of Iowa.

16 Since November 2013, ACCI has refused to volunteer any
17 information about the conditions of the bonobos or detail on any
18 research initiative. Rather it has made clear that it disavows
19 and has discontinued Sue's research trajectory, including the
20 regular language immersion with the bonobos.

21 I have put on the screen, and I'll just display it
22 here, Your Honor, the single piece of paper that we've received
23 from ACCI since November 2013 that describes the research that
24 purportedly is going on at the lab. We've asked for detail.
25 They've refused to give it to us. We would like to know -- and

1 that's one purpose of the hearing -- exactly what the research
2 is that the bonobos are and are not being subjected to.

3 This is not only a breach of the settlement agreements
4 and the resolutions preceding it, it is inhumane. It is the
5 equivalent of cutting out the tongue of a human being. ACCI has
6 ignored concerns that the lab and the campus are environmentally
7 dangerous to the bonobos. We intend to prove, therefore, that
8 the settlements mandate continuation of the interspecies
9 immersion research trajectory, that IPLS and ACCI have breached
10 this mandate, that Bonobo Hope's express and inherent rights of
11 ownership have been abrogated, that IPLS has ceased to exist
12 within the meaning of the settlements and breached them when it
13 failed to notify this court of that fact, and the bonobos,
14 therefore, should be relocated in accordance with the relocation
15 clause. We also intend to show that Bonobo Hope has a viable
16 relocation site in neighboring Missouri.

17 Your Honor, in closing, let me say this. In the
18 course of this hearing, you will hear two perhaps diametrically
19 opposed interpretation of events whose occurrence for the most
20 part is undisputed. The court may find the interpretation of
21 the motives of various well meaning professionals almost
22 impossible. I suggest to you that such an exercise is not
23 necessary. The focus of the inquiry, with all due respect, is
24 whether the research trajectory should be sustained because that
25 was invariably the intention of the parties and, if not, whether

1 Bonobo Hope nevertheless because of its undisputed ownership
2 interests has an equal say in the destiny of these precious
3 creatures.

4 We hope that the court will rule in favor of Sue and
5 Bonobo Hope on both counts.

6 Thank you for your courtesy, Your Honor.

7 THE COURT: Thank you, Mr. Zifchak.

8 Opening statement on behalf of the plaintiffs.

9 MR. MILLER: Good morning, Your Honor.

10 I'm Bill Miller here on behalf of IPLS and ACCI. I'm
11 here with my colleague, Brian Melhus, who will be trying the
12 case and this hearing with me, and Jared Taglialatela, Dr. Jared
13 Taglialatela, who is the director of research at ACCI and is
14 serving as our corporate representative.

15 May it please the court. Your Honor, this is a case
16 about boundaries is what it comes down to. It's the boundaries
17 of the ability of humans and the ability of humans to respect
18 those boundaries. Now, in the background are some very
19 fascinating issues about the boundaries of the human mind, and
20 Dr. Sue -- and I refer to her with that respectfully,
21 Dr. Rumbaugh -- there may be a reference to her husband, so I'll
22 just say Dr. Sue just so we're clear. Dr. Sue has done some
23 innovative work in the past with these bonobos. The court
24 shouldn't be distracted by those issues, however, because the
25 focus here, the real boundaries to be concerned with are more

1 mundane, and they're focused on the settlements and the side
2 agreement and focused on subsequent activity by Bonobo Hope, by
3 Dr. Rumbaugh and by others that bring us to this point of
4 conflict that we're discussing in the courtroom.

5 Now, Dr. Sue has been asked time and time again to
6 live within boundaries, and those boundaries have been directed
7 by legal proceedings, by colleagues, by circumstances, and the
8 fact of the matter is she refuses. And as this court knows,
9 just by example, this case started out as an interpleader action
10 and it's morphed into something different.

11 One of the issues that you'll be deciding -- and I'll
12 mention it here and not again, I don't think -- is the
13 jurisdictional issue with respect to what claims are at issue
14 here. We have two jurisdictional issues. We have the
15 supplemental agreement, and I think there's an agreement that
16 that will be addressed by the court, or at least the parties are
17 in agreement; but we have other claims about personal injury and
18 the like. I didn't hear mention of them this morning. They
19 shouldn't be discussed.

20 The focus is on the main and side agreements that
21 settled that interpleader action and the conduct subsequent to
22 them. Those agreements define a plan going forward for the
23 operation of the Great Ape Trust, a facility that ACCI is now
24 operating. Dr. Sue agreed it was time for her to step aside,
25 and she handpicked the next generation that would take over that

1 operation. Then, for whatever reason, she decided to reassert
2 herself and in doing so created havoc. She jeopardized the very
3 plan that she helped to implement. She was then called on that.
4 It was brought to her attention. She withdrew, and then since
5 then she's concentrated on this litigation.

6 Meanwhile, ACCI and IPLS have continued the work of
7 Great Ape Trust. They've restored order to the organization.
8 They've put protocols in place and continued the research.
9 They've raised funds for the facility and to support the
10 research that they were doing, and they set boundaries for a
11 sustainable path going forward. I think it will be clear and
12 evident as you hear testimony in this matter that Dr. Sue
13 doesn't like those boundaries. She thinks they interfere with
14 her own plans and her work, Bonobo Hope agrees; but she gave up
15 control, she wants it back.

16 You do have a legal issue in front of you with respect
17 to this question of whether IPLS ceases to exist. The fact of
18 the matter is no; the same operation from IPLS to ACCI. In
19 fact, ACCI has improved what IPLS has been doing. The prior
20 entity was administratively dissolved. You'll hear testimony
21 from Mr. Simpson regarding that, from Dr. Rumbaugh and from
22 others. That entity can be reinstated if necessary, continues
23 to exist, and ACCI continues at work. We've briefed those
24 issues, and the evidence that you'll hear in the next couple of
25 days will support that IPLS does not cease to exist.

1 The real crux is how ACCI continues this operation
2 going forward while recognizing the co-ownership of BHI. ACCI
3 has worked with BHI. It's briefed them on events. It hosted
4 members and meetings to discuss what's occurring at the
5 facility. It's occurred in a context, however, in which Bonobo
6 Hope had previously stated that Dr. Taglialatela and Dr. Hopkins
7 would be in charge of the plan going forward.

8 Now, BHI has now cast its lot with Dr. Rumbaugh for
9 reasons that I don't know why exactly, but that's what they've
10 done. But the fact of the matter is that there's no agreement
11 that guarantees Dr. Sue access to the facility, and any
12 indication that might happen in the future evaporated when she
13 refused to withdraw like she had promised. Furthermore, she's
14 admitted over time that she's not capable of overseeing things
15 including the operation and safe health of the bonobos, and she
16 shouldn't be permitted to come back in now.

17 In sum, Your Honor, ACCI has continued to work the
18 Great Ape Trust here in Des Moines. It's caring for the
19 bonobos, carrying on research consistent with prior agreements
20 between the parties. It's not doing biomedical research. The
21 bonobos aren't at risk from flooding. These are all contrived
22 excuses.

23 The parties tried to erect boundaries that permitted
24 the continuation of Great Ape Trust. We're here because ACCI
25 can respect those boundaries that Dr. Sue and BHI cannot. At

1 the end of this matter, we're going to ask you to restore order
2 by confirming that ACCI may continue its work without
3 interference and demanded access by Dr. Sue.

4 Thank you.

5 THE COURT: Thank you, Mr. Miller.

6 Mr. Stambaugh, you may call your first witness.

7 MR. STAMBAUGH: Thank you, Your Honor.

8 The claimants first call Dr. Sue Savage-Rumbaugh.

9 THE COURT: Ma'am, if you would come forward, please.

10 THE CLERK: Please raise your right hand.

11 SUE SAVAGE-RUMBAUGH, DEFENDANTS' WITNESS, SWORN

12 THE COURT: You can take a seat right there.

13 You might want to adjust the microphone so you can
14 speak into it conveniently.

15 THE WITNESS: Okay.

16 MR. STAMBAUGH: May I proceed, Your Honor?

17 THE WITNESS: Can you hear me just fine?

18 MR. STAMBAUGH: Yes. May I proceed?

19 THE COURT: Yes.
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1 DIRECT EXAMINATION

2 BY MR. STAMBAUGH:

3 Q. Dr. Savage-Rumbaugh, we've heard some of the counsel talk
4 about the reasons for this proceeding. Can you explain to the
5 court in your own words briefly why you're here today?

6 A. Yes. I'm here because a settlement agreement, in my view,
7 has been breached and access to the bonobos from both the
8 scientists and myself has been precluded. I established the
9 Bonobo Hope Board and the scientists on that board to look after
10 the future of the bonobos, and I would like to see that
11 continue.

12 Q. What do you want specifically for the lives of these bonobos
13 going forward?

14 A. I want the research trajectory to go forward with
15 responsible scientists looking after that trajectory, and I want
16 the Pan/Homo culture and the rearing environment to continue.
17 This includes not only art, music, apes, it includes the family
18 that goes along with the bonobos, the human family as well as
19 the bonobo family, because that's produced the results of the
20 research.

21 Q. Dr. Savage-Rumbaugh, we've already heard the phrase
22 "research trajectory." Can you explain to the court what is the
23 nature of your research?

24 A. The research trajectory, in my view, is something that a
25 scientist establishes when they have a question, a long-term

1 question and they spend their life looking at it from many
2 different ways. Some scientists bounce around and look at
3 different topics. I have taken the topic, the origin of the
4 human mind. As a young child, my father used to always ask why
5 are all my seven children so different. And I guess I started
6 to wonder, how did we get different and how did we get to be the
7 way we are.

8 So when I had a chance to for the first time in my
9 life meet apes, I was very fortunate. I met them at the
10 University of Oklahoma where apes were raised in radically
11 different conditions. Some were raised in human homes from the
12 date of birth. Some were raised in peer groups from the date of
13 birth. Some were raised by their mothers from the date of
14 birth. Some were wild caught. And I could immediately see,
15 having had a background in psychology, that these apes were
16 radically different, and apes are our closest living relatives,
17 and I saw then that what happens in one's lifetime and the
18 cultures that one is in makes a huge difference, and it makes a
19 difference even prior to birth and it certainly makes a
20 difference in the period of time after birth.

21 So I wanted to study that for my career, and I had
22 been on my way to Harvard University to work with B.F. Skinner.
23 I was very impressed with his book "Walden Two" in which he
24 shows how a full understanding of behavior and reward and
25 reinforcement and learning theory could shape a better world,

1 and I had been admitted to Harvard. When I saw these apes, I
2 realized that learning theory was not the answer. It couldn't
3 explain what I saw. Rearing was explaining what I saw, but that
4 rearing went far beyond any reinforcement techniques and any
5 classical conditioning techniques, something else was going on.

6 So I vowed to work with apes the rest of my life. At
7 that point many people told me, you won't get a job, it will be
8 difficult, you won't be accepted, nobody is doing that. The
9 evidence in front of my eyes was overpowering, and I decided to
10 do it. So I finished my Ph.D. at the University of Oklahoma,
11 and then I went to Yerkes under the direction of Dr. Duane
12 Rumbaugh, whom I later married, although I hardly knew him at
13 the time, and we've had and continue to have a wonderful
14 relationship since. He's 20 years my senior, so he's residing
15 with a daughter in Jersey and would love to be here but is not
16 able to do so at this point in time because of his age.

17 But I have continued and he has urged me to continue,
18 and we had a very, very interesting research trajectory at the
19 Yerkes Primate Center. When I first arrived, I was shown around
20 the center. I looked up and down the wing where there were 130
21 or 150 chimpanzees, each two to a cage. I walked up and down
22 that wing, and those chimps were crazy. They were crazy. They
23 were throwing shit, they were screaming, they were banging their
24 heads on the walls, they were poking their eyes, they were
25 pulling their hair out. And I cried, and I said, as a

1 scientist, this is wrong. I have to do something about this,
2 but I can't do anything about it as an animal rights activist.
3 All I can do is help people understand that these apes are more
4 intelligent than we have learned before.

5 And as I said, I had seen apes reared in human homes,
6 and I knew that they could go for rides in cars with me, they
7 could go to A & W with me and sit right there and order a
8 hamburger. That was done at the University of Oklahoma. It was
9 my training as a graduate student.

10 So I decided to do research that would help understand
11 the intelligence of these apes.

12 Q. Thank you.

13 For the sake of our kind madam court reporter, Yerkes
14 is Y-E-R-K-E-S.

15 Can you explain to us what Yerkes is?

16 A. Yerkes is one of a number of facilities operated by the
17 Federal Government that keeps primates mostly for the purpose of
18 biomedical research and certain kinds of restricted behavioral
19 research.

20 Q. Dr. Savage-Rumbaugh, when did you first start working with
21 bonobos?

22 A. I first started working with bonobos in 1975 when Matata,
23 the matriarch of this group, was imported from the Congo under a
24 loan-lease agreement to determine whether bonobos were actually
25 a different species than chimpanzees. That was in 1975 and that

1 was the same time I arrived at the Yerkes Primate Center.

2 The other people there were doing biomedical assays
3 and I was to do the behavioral assay, comparing the behavior of
4 bonobos and chimpanzees to determine if they were or were not
5 different species.

6 Q. Assay is A-S-S-A-Y, is that correct?

7 A. Yes.

8 Q. After Yerkes where did your research take you next?

9 A. My research took me to Georgia State University, and there
10 we began with Kanzi in 1980 when he was just six months old. He
11 was assigned to us and brought to us from the Yerkes Primate
12 Center, along with his mother, because I refused to separate him
13 from his mother or cause him any trauma by so doing. And the
14 previous work I had done at the Yerkes Center had been -- tried
15 to determine whether or not apes could learn language, use
16 symbols, comprehend symbols, but it had all been based on
17 learning principles and conditioning principles. And while the
18 work had been very successful, what I realized was that as long
19 as we could tell the world that we had trained these apes, we
20 weren't in the same ballpark with human beings.

21 So the real question was, could an ape pick up
22 language if it were in a situation in which a human child could
23 pick up language. As long as we were assuming it had to be
24 trained, we couldn't really answer that question.

25 So I designed an environment for Kanzi, not to make

1 him a human because I knew that would be wrong. Even if Kanzi
2 could become human, his body wasn't going to be human even if
3 his mind were. He needed to live with bonobos and understand
4 bonobo language and culture. So I kept him with his mother, and
5 I designed an environment in 50 acres of forest that Georgia
6 State provided, and Kanzi's day was spent wandering around that
7 forest finding food, foraging much as he would do if he were in
8 the wild. But each place where there was food, it had a name,
9 and we could talk about where we were going to go and we could
10 talk about what we were going to do. And in that environment,
11 without any training, Kanzi acquired knowledge of that forest
12 faster than the humans, he could lead people who were lost, and
13 he learned how to use the symbols, and he learned the human
14 language, the spoken language. Even though he couldn't speak it
15 clearly, he tried to emulate it.

16 So he learned a written language and a spoken
17 language. By the time he was two, two-and-a-half years of age,
18 he began to be competent. And by the time he was three or four,
19 it became clear that he didn't need any kind of training
20 whatsoever. He was on -- he was a bit delayed, but he was on
21 the same trajectory that a human child would be on if he were in
22 a loving, caring environment where he has respect and dignity
23 every moment and has the opportunity to do what he wants and say
24 what he wants. That was the opportunity that was available to
25 Kanzi.

1 Q. Doctor, in order to conduct this type of research
2 trajectory, what sort of contact with the bonobos is required?

3 A. The same as you would have if you raised a child in a
4 loving, caring home. You have free contact. The child goes
5 places with you. The child does things with you. You explain
6 to the child what you're going to do in advance. You tell the
7 child when there are ways to be polite and ways to be kind and
8 the proper words to say. There has to be a moral attachment and
9 a bond that's established. It's through that bond of love that
10 a young bonobo will want to emulate certain things; but it would
11 be wrong to do that with all humans around, as I said, so you
12 need bonobos and humans and the attachment needs to be both
13 ways.

14 Q. After GSU, Georgia State University, where did you go next?

15 A. After Georgia State University, at the request of Ted
16 Townsend, I came to Iowa, Des Moines, Iowa.

17 Q. At the time you came to Iowa, Dr. Savage-Rumbaugh, what sort
18 of notoriety did Kanzi have?

19 A. Well, Kanzi had gained worldwide recognition very rapidly
20 because he was the first nonhuman ever to be acquire language
21 without being trained and to understand spoken sentences, even
22 novel sentences that he had never heard before, even narrations
23 and stories that he had never heard before. His comprehension
24 was deep and it grew deeper; but the accolades were -- I think
25 he was widely talked about in the New York Times. He appeared

1 in newspapers around the world, he appeared in video clips
2 around the world, and he was on the first satellite that was
3 sent beyond the solar system, which had the treasures of
4 information we would share with the rest of the solar system if
5 they were to find that information, description of the work with
6 Kanzi was included there.

7 Q. I want to take a step back before we talk about the Great
8 Ape Trust, Dr. Savage-Rumbaugh.

9 Have you received any awards or accolades for this
10 groundbreaking work that you were doing?

11 A. Yes. I've received an honorary doctorate at the University
12 of Chicago; an honorary doctorate at my alma mater, Southwest
13 Missouri State University; and I've received a Sigma Xi
14 lectureship; and I was nominated by Time Magazine as one of the
15 100 most influential people in the world.

16 Q. What is a Sigma Xi lectureship?

17 A. Sigma Xi is an honorary society for scientists, and they
18 select some scientists to travel around the United States and
19 tell students and colleges about the particular work they are
20 doing.

21 Q. And have you been nominated for any other awards?

22 A. I think that's the sum total.

23 Q. Have you ever heard of the Templeton award?

24 A. Oh, I've been nominated, but I don't know that I've received
25 other awards. I was told that I was nominated for a Nobel, but

1 you never really know. I don't know how many things I've been
2 nominated for.

3 Q. How did you come about to be named one of Time Magazine's
4 100 most influential people?

5 A. I don't know.

6 Q. What year was that?

7 A. I think that was 2010 or 2011 -- 2010.

8 Q. Let's go ahead and talk about how the bonobos came to Iowa.
9 How did that come about?

10 A. Ted Townsend heard about the bonobos through a book called
11 "Monkey Wars." He was interested in building the Iowa Child
12 facility as I understand people here in Iowa know, and he read
13 in the book "Monkey Wars" about chimpanzees and bonobos in
14 Iowa -- I mean in Missouri that had language, and that research
15 happened to be done by an Iowan. My husband, Duane Rumbaugh,
16 was born in Iowa, so because he was an Iowan -- I guess you do
17 this in Iowa -- he called up my husband and asked to come and
18 visit and see what our lab was really like.

19 Ted described having his father interest him in
20 Africa, and he traveled there many times, and he had seen all
21 the African animals. He had them mounted at the Townsend
22 facility, and he had read about chimpanzees, and I don't think
23 he knew anything about bonobos; but he was interested in the
24 origins of humans and the whole evolutionary story.

25 So he came to our lab to see if it was for real, and

1 we showed him around, and he wanted to include us in the Iowa
2 Child project because he wanted children in Iowa to have the
3 experience of seeing apes with these capabilities. He thought
4 it would inspire them to strive for greater heights themselves.

5 Q. What was the plan for the bonobos when they first came to
6 Iowa?

7 A. The plan was to build the ideal facility in which the
8 research trajectory could expand and continue in perpetuity.

9 Q. Did your research trajectory continue after the bonobos
10 moved to the Great Ape Trust in Iowa?

11 A. The research trajectory continued in many ways and it had
12 difficulties in other ways. We were brought to Iowa, along with
13 a group from the Smithsonian Zoo, and they had an orangutan
14 named Azy, which it's interesting that his name Azy was sort of
15 like Kanzi. And in terms of PR there was a desire to present
16 Azy and Kanzi in a similar manner, that they had similar skills.
17 They both used the keyboard. Azy was not reared in an
18 environment like Kanzi, and Azy could not understand spoken
19 English and Azy could not understand narratives and Azy could
20 not understand novel sentences. In fact, all Azy could do was
21 if you held -- if I held up my glasses, he could say glasses.
22 If I held up Kleenex, he could say Kleenex. He could do that
23 for seven items. Beyond that -- that's called paired associate
24 in psychology. It means event X happens, you say A; event Y
25 happens, you say B. So all you have to learn is to pair two

1 things.

2 Language is very different. Language is symbolic. So
3 if I say M&M and I hit a symbol, you usually do that if you're
4 an ape because you want an M&M; but Kanzi can understand no M&M.
5 He can understand M&M's for Matata, M&M's yesterday, M&M's
6 tomorrow. When a symbol becomes freed from that paired
7 association, you can go backward and forward in time. It can be
8 put in a sentence in all different ways, and words can modify it
9 in all different ways. Then you have language.

10 Azy didn't have language; but the PR department -- Rob
11 was young, Rob was hoping to the future, and they wanted to
12 equate Sue with Rob --

13 Q. And I'm sorry, I'm going to stop you there. When you say
14 "Rob," who you referring to?

15 A. Rob Shumaker.

16 Q. Can you spell that?

17 A. S-H-U-M-A-K-E-R.

18 Q. Thank you.

19 Please continue.

20 A. And I had hoped to work with Rob. Ted told me that his goal
21 was that Rob would learn from me and be willing to work with me.
22 The only way you can learn is if you actually rear an ape
23 yourself and put it in the kinds of rearing environments that
24 the child has, and it needs to be a by-species rearing
25 environment as I mentioned. You have to as a scientist do what

1 others have done to follow in their footsteps.

2 Rob wasn't really willing to do that with oranges, and
3 it caused him great consternation and the PR department some
4 consternation when Kanzi made fires, when Kanzi drew, when Kanzi
5 made music, when Kanzi did the things that culturally we do.
6 When Kanzi went on long walks out in the woods with Panbanisha,
7 it caused consternation because Rob couldn't do that with Azy.

8 So there was some conflict between myself and
9 Dr. Shumaker. I welcomed Dr. Shumaker to the lab. I hoped that
10 Ted's original idea that he would be able to learn and take the
11 science forward would be helpful. At that time Rob had no
12 publications in his field, and there were probably 400 in the
13 other fields.

14 But in many other ways the trajectory went positively
15 forward. The bonobos grew in abilities immensely, possibly as a
16 result of actually relocating so they got to see that the world
17 was a bigger place. It was a very, very different environment
18 here in Iowa. The weather was different. We had the caves
19 outside. We had a really big river. We had a flood that almost
20 drowned us. We had some of the things that happen in life, and
21 from all of those, the bonobos learned a great deal.

22 And in particular the bonobo Panbanisha, who passed
23 away very recently, became fascinated with all of the
24 documentaries on television that compared humans and apes and
25 talked about how intelligent apes were relative to humans. She

1 wanted to study all of those and watch them over and over and
2 began to be very reflective. Kanzi also increased in his
3 ability to be reflective.

4 And they were very aware that there were people in
5 Iowa who were very scared of apes and if they got out of the
6 facility would shoot them. We had to explain this to them. So
7 they were very cautious. They were very respectful of everyone.
8 They were very careful. In a sense they grew up here. They
9 became adults. Morality that I didn't think could show up began
10 to show up here, and this was one of -- it really changed here,
11 even though the research trajectory as I had originally imagined
12 it wasn't perfectly positive, because they are such intelligent
13 beings, they continued in their own minds, they continued the
14 trajectory. And this was one of the things that I had very much
15 hoped to convey to Dr. Taglialatela had I had the chance.

16 Q. You mentioned just a minute ago about the development of
17 Kanzi at the time he arrived in Iowa. Dr. Savage-Rumbaugh,
18 after three decades of pursuing your research, can you explain
19 to the court in more detail what Kanzi was able to do at the
20 time you arrived at the Great Ape Trust?

21 A. Kanzi learned on his own how to comprehend human language.
22 He could understand a sentence that he had never heard before.
23 There were sentences such as, can you give the doggie a shot?
24 Kanzi had never been asked to give a dog a shot, but in a test
25 situation, he could pick up a syringe and a toy dog and give

1 that dog a shot when there were many other multiple objects
2 there. Kanzi could understand sentences like, let's not do it
3 now, let's do it later where the "it" is referenced by the
4 context. So Kanzi understood referential words, he understood
5 symbolic words, he understood abstract sentences and abstract
6 syntax. Kanzi could follow a narrative. Kanzi could watch a
7 videotape and, at the level of at least an eight-
8 or ten-year-old, understand what was going on in a video. Kanzi
9 on his own -- his favorite movie was "Quest for Fire." And each
10 bonobo has always had a favorite movie, and it determines their
11 character. Kanzi's was "Quest for Fire," and he began to make
12 fire, and by the time he got here he was an accomplished fire
13 maker. You have to be sure that you don't burn yourself and
14 that you gather the sticks right and that you put them right and
15 that you add sticks at the right time. Not all the other
16 bonobos wanted to do that, but Kanzi did.

17 Kanzi also became an accomplished stone tool napper
18 before he came here, and no other bonobos has ever made stone
19 tools, no other bonobo has ever made fire, no other bonobo has
20 ever understood language at that level. And Kanzi had played
21 and demonstrated ability to have rhythm and synchrony with Peter
22 Gabriel, and many other things, but those are the ones that are
23 best documented.

24 Q. Their favorite movie was not "Planet of the Apes"?

25 A. They feel the "Planet of the Apes" -- well, they've watched

1 all the different versions, and they don't like the intermediary
2 versions where the apes were so aggressive. They did like the
3 Charleston Heston version, but they had focused on -- each one
4 is different. Kanzi focused on "Quest for Fire" because humans
5 were very ape-like in that movie and they were trying to become
6 more human-like in that movie, which I guess is what Kanzi was
7 trying to do; but Kanzi would watch that movie over and over and
8 over and, at certain points it was very scary, and at the scary
9 points he would turn -- there was a reflection in the lexigram.
10 When the video would shine on the lexigram, Kanzi would turn and
11 look the other way at the scary part, so he wasn't actually
12 watching the video.

13 Panbanisha's favorite movie was "Harry and the
14 Hendersons," which is about a bigfoot that is struck by a family
15 car and is carried home in the station wagon and the family is
16 trying to protect this ape in their house and nobody else
17 understands the plight of the ape, and that really became
18 Panbanisha's preoccupation.

19 And I could explain the others, but it is like a
20 child. They have their own personality and they develop in
21 their own way.

22 Q. Dr. Savage-Rumbaugh, how much time were you spending with
23 the bonobos at the trust at this time?

24 A. I had somebody with the bonobos 24 hours a day. It wasn't
25 always me. When Panbanisha and Kanzi were little, I did stay

1 with them 24 hours a day, three days a week, and somebody else
2 stayed with them the rest of the time. I tried to as much as I
3 could do writing and presentations and keep the trust running
4 and to work -- I didn't work an eight-hour day schedule. I
5 worked at the project all the time but not always at the lab. I
6 had my sister, Liz Pugh, and others if I weren't there who could
7 continue the proper environment.

8 Q. Dr. Savage-Rumbaugh, did you take any photographs of the
9 activities that you were conducting with the bonobos at the
10 trust at this time?

11 A. Yes. Yes, I did.

12 Q. Did you bring them here today?

13 A. Yes, I did.

14 Q. Do you think it would assist in your testimony to talk about
15 those pictures?

16 A. I would just like to show a few pictures.

17 MR. STAMBAUGH: Your Honor, at this time I would ask
18 to publish these pictures for purely demonstrative purposes, and
19 I've already shown them to opposing counsel.

20 THE COURT: You may do so.

21 MR. STAMBAUGH: Thank you.

22 With the court's permission, I'll be using the
23 document camera.

24 Just one moment, Your Honor. I apologize. I stand
25 corrected. We will be using the screen.

1 Thank you.

2 BY MR. STAMBAUGH:

3 Q. Dr. Savage-Rumbaugh, as we put up these pictures, I'm just
4 going to ask you to describe briefly for the court what is the
5 picture of?

6 A. This is a picture of Kanzi. He's just asked to see the
7 picture that we've just shown him on the screen. We had a
8 photographer come who was going to take pictures of Kanzi for a
9 newspaper, I believe in England, and Kanzi -- prior to the shot
10 Kanzi asked if he could pose in front of the icicles which were
11 coming into his tunnel, and he posed in front of those and then
12 he asked to see what he looked like in the picture.

13 Q. How did he ask to pose under the icicles?

14 A. He has picture on his keyboard. He can say picture and
15 gesture to the icicles and point to the photographer that is
16 already taking his picture and then go sit there.

17 Q. Are those the lexigram keyboards that we've heard about?

18 A. Yes.

19 Q. Can you describe those briefly to the court?

20 A. Yes. There are over 450 symbols on the lexigram keyboard,
21 and some of them were -- Kanzi learned six when he was very,
22 very young. At the time we thought he had to be trained, and we
23 found out he learned them, and then we slowly added them in
24 Kanzi's life. We may see a picture, if we go ahead, we'll see a
25 picture of what a keyboard looks like; but they're geometric

1 symbols or in some cases printed words because Kanzi does try to
2 speak, and Kanzi will try to say things. For a word like
3 peanut, he will try to say (sound by witness) and for banana
4 he'll try to say (sound by witness). And, in fact, that was
5 some of Dr. Taglialatela's earliest work, it was fantastic work,
6 and I really hoped he would continue it.

7 But because it's very hard for us to understand
8 English, Kanzi would also point to a symbol, and this work has
9 been extended to children with retardation that have similar
10 problems. If you can't understand them, they need a symbol. So
11 that's what the symbol board does. The symbol board itself is
12 not the language. It's a means of expressing when you're --
13 when you're blocked in other ways, like I am right now. I'm
14 going to have a drink of water.

15 Q. Please, please do.

16 And for the record, Dr. Rumbaugh's impression of
17 peanut was two high speaking symbols and banana was three high
18 speaking symbols, although I don't speak bonobo so that's my
19 best interpretation.

20 Please have a drink of water.

21 Let's go to the next picture.

22 Dr. Rumbaugh, this looks like one of the bonobos
23 looking at a small, perhaps compact mirror? What is this
24 photograph?

25 A. Yes. Kanzi is grooming his eye. He's using the mirror to

1 groom his eye, and the mirror is very special because it shows
2 that Kanzi has self-recognition. Self-recognition matters
3 because if you know who you are and you can reflect upon who you
4 are, it is out of that capacity you can develop a moral system,
5 the kind of system that's much more highly involved that we're
6 using here today. And apes are the only creatures that have
7 actually demonstrated this ability. Many others can use mirrors
8 to find dots on themselves or use mirrors to look behind, but
9 they don't know who it is in the mirror. Kanzi does.

10 Q. Let's go to the next picture.

11 A. This is Kanzi making a painting with me, and you can see,
12 unlike Azy who was given a brush and had to paint outside the
13 cage with whatever color they gave him and wiggle it through the
14 wire, Kanzi can actually create pictures. He can create
15 representational art. He chooses his own color. He paints as
16 he wishes. This is just to show the process.

17 Q. Are you aware of any other ape in the world who can do that?

18 A. Yes. Koko and Michael can do that. They're gorillas that
19 Penny Patterson has raised, and they can create representational
20 art, and she raised them almost the same way that I raised Kanzi
21 and Panbanisha.

22 Q. Following a similar research trajectory?

23 A. Yes.

24 Q. So Kanzi is one of three who is able to do these things on
25 the planet?

1 A. Well, Panbanisha can do it, Nyota can do it, and Matata was
2 starting to do it, and Teco can do it.

3 Q. All of those were raised by you, right?

4 A. Yes.

5 Q. Let's go to the next picture.

6 A. This is Kanzi using the keyboard, and Panbanisha is getting
7 ready to turn around and look at him. They can communicate at a
8 very complex level vocally; but if they want to be quiet, they
9 can also use the keyboard to communicate with each other.

10 Q. Let's go to the next picture, please.

11 A. This is Kanzi and Sue communicating both vocally and with a
12 keyboard to some people outside the cage where, as you saw in
13 the little videos, the vocalizations are constant and they're
14 interdigitated as though the bonobos were talking to you. They
15 are talking to you because they can understand you or me, but we
16 can't understand them. So they're interspersing their sounds in
17 an appropriate way at a more rapid pace than any human could do.
18 Dr. Taglialatela has demonstrated that in very fine work and,
19 again, it was what I was hoping that I would be able to foster
20 in the proper direction.

21 So here Kanzi and I are talking with vocal talk
22 (sounds by witness), and we're talking on the keyboard at the
23 same time to people outside the caged area.

24 Q. Let's look at one more picture.

25 A. Well, this was an attempt by ACCI to raise money. Kanzi was

1 supposed to be a pie-eating contest judge at the local state
2 fair. I found this rather demeaning for Kanzi. In the recent
3 pictures and things of Kanzi and Nyota and the others that have
4 published they look quite stressed, and I'm sure this was very
5 stressful for Kanzi.

6 Q. This was not a picture of your work while you were at the
7 trust?

8 A. No. This was how they hoped to raise funds.

9 Q. Let's go ahead and take the pictures down.

10 Dr. Savage-Rumbaugh, we've heard about the plans for
11 the trust and about your work at the trust. Did Mr. Townsend
12 follow through on his lifetime commitment of funding?

13 A. Mr. Townsend withdrew his funding at the end of 2011 and we
14 were sort of left in the lurch.

15 Q. What happened after that?

16 A. I was appointed an interim director, and we began to try to
17 go forward and raise funds. Lyle Simpson became the legal
18 counsel, and he wrote to many people throughout the state,
19 including the Governor and including senators and including his
20 clientele, to describe the research. He was very, very positive
21 about the research and he wanted to help us raise funds, and so
22 from that point forward Dr. Schweller and I listened to his
23 guidance.

24 Q. Let me take a step back in time.

25 What led to Mr. Townsend withdrawing his funding?

1 MR. MILLER: Objection; hearsay.

2 THE COURT: I'll receive it, subject to the objection.

3 MR. STAMBAUGH: You may answer.

4 A. It is my understanding that it was the flood and his
5 inability to raise enough money and the reverse in the stock
6 market that happened in 2008.

7 BY MR. STAMBAUGH:

8 Q. When was the flood?

9 A. I mean, the flood was in 2008.

10 Q. What was the impact of that flood on the trust?

11 A. The impact was hard. The flood -- we were told even up
12 until the minute water was coming in the building, the Corps of
13 Engineers said, the building will not flood, the building will
14 not flood, stay there, stay there. So the waters came really
15 fast, they came really high, they were really cold, they were
16 really toxic. And you could look through the glass doors and
17 see fish all around, like you were in an aquarium. And many of
18 the staff, of course, did not want to risk those waters. My
19 sister and I risked those waters day and night to take care of
20 the bonobos and allow them to survive through the flood. They
21 had to stay up high in the tunnels, and we had to bring food to
22 them, and it took about two weeks I guess for the water to fully
23 recede. We had to, with assistance, clean out the entire
24 building. There were problems in the drain system, of course,
25 and during that period of time, we had no electricity. We had

1 to bring the food in by boat. We had to go back and forth daily
2 by boat. We had to wear waders up to here (indicating) the
3 entire time. Oftentimes you would slip and fall and water would
4 get in your waders so you were exposed to toxic water. We had
5 to ask the bonobos, please, don't go in the water because we had
6 no way to prevent them. There was only one bonobo that really
7 liked the water. He kept playing in it, and he soon got cancer.
8 And my sister who slipped repeatedly in her waders got cancer.

9 Q. Did you stay in the building the whole time?

10 A. I stayed in the building the whole time. I mean, I might
11 have gone out for food or things like that, but I stayed there.
12 I slept on the table so I wasn't -- you couldn't sleep on the
13 floor or you would be in the water.

14 Q. What was the subsequent impact of that flood on the bonobos,
15 other than the cancer that you already mentioned?

16 A. Well, I thought that the grounds were toxic, but there was
17 no test of that to be sure. So I don't know for sure what the
18 biological effects of the flood were; but the bonobos and myself
19 certainly respected the power of the Des Moines River, as I
20 guess anyone in Iowa does, and prior to that time they did go
21 down and put their toes in the water, but they were much more
22 hesitant to do that after the flood. And if we spoke about
23 flood, they clearly remembered it and were -- you know, paid
24 attention to the flood reports, shall we say.

25 Q. And what was the impact of that flood? What is your

1 understanding of the impact of that flood on Mr. Townsend's
2 funding of the Great Ape Trust?

3 A. Well, I can tell you that Mr. Townsend put a lot of money
4 and a lot of hope into that building. I know that he wanted to
5 expand it. I know that he wanted to add at least four other
6 buildings. We had had repeated architectural meetings about
7 adding other buildings from the start, even before that building
8 was built, and they continued. I know Ted was really looking
9 for funding from outside to expand and to have gorillas and
10 chimpanzees there, which we didn't have at that time, and to
11 have a visitor center.

12 And with the flood Ted knew that those plans could not
13 continue. I don't know how much Ted knew before that time, but
14 it became clear that the Army Corps of Engineers had never given
15 a building permit to the site and it would certainly not give
16 any new building permits to the site. That became very clear.
17 So Ted's plans had to be abandoned for the site, and I can
18 remember him staying away during the early days of the flood and
19 everybody wondering where's Ted, where's Ted, where's Ted. And
20 then I saw him, and he came and stood way, way back, and he
21 looked and he put his hands like that (indicating) and he looked
22 all around, and I felt very sorry for him. He was very --

23 Q. The witness was putting her hands on her waist.

24 I'm sorry. Go ahead.

25 A. Yeah, I think his dream was lost. I think his hopes were

1 lost. I think he thought we really didn't -- couldn't pull out.
2 But those are my subjective impressions of watching the
3 expression on Ted's face.

4 So we had to -- not too long after that he had a
5 meeting where he indicated he was going to drop his funding by
6 one million a year until it was down to zero and we needed to
7 make other plans.

8 Q. When did he indicate that?

9 A. It was some months after the flood, after the cleanup and
10 after the flood.

11 Q. When was the funding eventually pulled completely?

12 A. It was pulled completely at the end of 2011, so between
13 2008 - 2011, we had three years.

14 Q. Dr. Savage-Rumbaugh, what was your role in the lab at the
15 end of 2011 when Mr. Townsend pulled his funding?

16 A. My role was to keep the lab going. I had to pay all the
17 bills. Not only find the money to pay the bills, I had to raise
18 the money to pay the bills. I had to actually pay the bills. I
19 had to do all of the administrative work. I had to check into
20 all the insurance and administrative issues. I had to set up a
21 new IACUC because the IACUC resigned. I had to find a new vet
22 because the Iowa State vet resigned. I had full care,
23 24-hour-a-day care of Teco without very much relief at all at
24 that point. I had to bring in new volunteers and train them. I
25 had to do the majority of the feeding and cleaning. I had to

1 pull us through.

2 Q. You mentioned that you had to set up a new IACUC. That's
3 I-A-C-U-C in all caps.

4 What is an IACUC, Dr. Savage-Rumbaugh?

5 A. An IACUC is an Interinstitutional Animal Care and Use
6 Committee. It's a committee that governs the use and research
7 and the standard operating procedures of any animal facility in
8 the United States.

9 Q. You mentioned that you had new administrative duties at the
10 end of 2011, early 2012. Was one of those administrative duties
11 to serve as executive director?

12 A. Yes. I was the interim executive director. I wasn't
13 clearly informed of that at the time, but Dr. Schweller later
14 informed me that was his view of my position. Dr. Schweller had
15 gone to the previous IACUC and told them that we had a million
16 to a million-and-a-half dollars to operate. Then in a few weeks
17 he stated in the paper that we really didn't have that money. I
18 believe he thought Ted would provide that money. I'm not sure
19 where Dr. Schweller thought the money would come from; but he
20 then made it clear that we didn't have it and that IACUC
21 resigned. It had voted to continue the project based on
22 Dr. Schweller's report.

23 Dr. Schweller then turned to me and informed me that
24 it was my job to raise money and that I should contact Peter
25 Gabriel, who had made the musical video that I think you'll see

1 at some point in time, and at that point I was to keep the lab
2 running and to raise the money and to establish an IACUC.

3 Q. Were you asked to sign any forms on behalf of the company as
4 the executive director?

5 A. I was asked to sign a form. I was not told that I was
6 signing it particularly as the executive director, but it does
7 say that I believe on the bottom of the form. I was asked to do
8 that by Susan McKee. I don't recall any particular explanation
9 of that form. I was having to sign a lot of forms that were new
10 to me at that time, insurance forms, employee forms, all kinds
11 of forms. And before she resigned as the accountant and
12 administrative assistant, she had worked with Jim Aipperspach,
13 and she was transitioning through Heidi Lyn, who was there for
14 awhile, and then me, and I certainly trusted her and I signed
15 whatever she asked me to sign.

16 Q. Let's take a step back. Who is Susan McKee?

17 A. Susan McKee was the administrative assistant and accountant
18 to Jim Aipperspach for Great Ape Trust.

19 Q. What was the form that she asked you to sign, if you can
20 recall?

21 A. I understand now it was a registered agent form. I didn't
22 know what a registered agent form was at that time, but I knew
23 it was something to do with IPLS and it needed my signature.

24 Q. Did you know what that change of agent form required of you
25 at the time?

1 A. No. I was not told what was required of me.

2 Q. Were you aware at the time that you signed this that you had
3 to file any documentation on behalf of the entity?

4 A. No.

5 Q. Dr. Rumbaugh, were you aware of any liens against IPLS at
6 the time you signed this change of agent form?

7 A. No. Nothing was described to me of that sort.

8 Q. I want to return and talk about what was going on at the
9 Great Ape Trust in early 2012, which is where we left off. What
10 was your responsibility at the trust in early 2012?

11 A. My responsibility in early 2012 was to pull the trust out of
12 the chaos that it was in, take the research trajectory forward
13 and get funding.

14 Q. In addition to administrative tasks, what else were you
15 tasked with at the trust at that time?

16 A. I was tasked with all of the operational, the daily
17 operations of running the lab, training the staff, food, care.
18 I was there 24 hours, and I was making the facility operate.
19 Everybody else came and went.

20 Q. Was that different from your responsibilities a year prior?

21 A. Yes. Prior to that time there were security people there
22 watching over it at night. There were people that prepared the
23 food. There were people to do the cleaning. There were people
24 to handle the accounting. There were people to handle the PR.
25 There were people to handle the administration. All of those

1 people left.

2 Q. How did that affect you in early 2012?

3 A. It was tiring and I felt that I needed some additional
4 assistance.

5 Q. Did you explain to folks that it was tiring and you needed
6 additional assistance?

7 A. Yes. I explained to the board. I explained to the board
8 that we were going to have to hire a new vet, we were going to
9 have to have a new IACUC, we had many issues that needed to be
10 resolved, and I sought Dr. Schweller's assistance.

11 Q. Were you able to accomplish what you wanted to accomplish
12 with the bonobos at this time when you were overworked,
13 overtired?

14 A. Yes. I was able to pull them through, make sure that the
15 lab was clean, passed all of the USDA inspections, get the bills
16 paid in the interim, and continued Teco's daily life making it
17 as much like Kanzi's as possible and kept Teco integrated in
18 with the bonobo group in the same way that Kanzi had been
19 integrated with the bonobo group when he was a baby.

20 Q. You mentioned taking care of Teco earlier. Please tell the
21 court, who is Teco?

22 A. Teco was the son of Elikya. He was born at Ted Townsend's
23 request. Ted Townsend wanted to have an Iowa bonobo. His
24 mother, Elikya, was the daughter of Matata, the matriarch who
25 came from the Congo, so Teco was a third generation captive born

1 bonobo. He was also a third generation bonobo in this language
2 group, which was really different both in terms of its genetic
3 history and cultural history.

4 When Teco was born, his delivery was difficult. It
5 took -- probably two days Elikya was in labor. She would go
6 into labor, and when some staff would arrive, she would often
7 get nervous and go out of labor because she didn't trust --
8 there were staff members she didn't trust. I stayed with her
9 around the clock, and the delivery, as is often the case,
10 because bonobos don't like to deliver when there are many people
11 around, the delivery occurred very early in the morning. Teco
12 was not really able to move. I thought that he was not a live
13 born baby. We had had three babies already born that were not
14 live born in the lab. We never had this happen in Georgia. It
15 was a big problem in Iowa.

16 I stayed with Teco, and after maybe 15 or 20 minutes,
17 I saw his tongue barely move, and I realized that he was alive.
18 Prior to that time I did not think he was alive. After three
19 hours he finally vocalized and began to move.

20 Teco was very, very unusual for a bonobo in that he
21 came with the reflexes of a human baby, and by that I mean that
22 he clung with his hands but he didn't cling with his feet. Baby
23 bonobos and chimpanzees have a reflex, so if you're holding them
24 and you start to move, they immediately grab with their feet and
25 their hands, and they cling on to the hair of their mother or

1 they can cling onto your clothes. So if you're climbing a tree
2 or you're out in the wild and you're an ape mother, you don't
3 need to keep that baby with you. That baby will stay with you.
4 When it's very young, you might support it a little bit; but by
5 the time it's three or four months of age, it clings.

6 Teco didn't have that reflex, so when Elikya tried to
7 move around the cage, he would hold with his hands but his feet
8 would hang down, and instead of his feet being gripped on her,
9 they kicked. A human baby kicks with its feet. So what we got
10 in Teco's case is we got a change in the software of the
11 neurological system in this baby by the third generation. He
12 had the neurological software that a human baby comes with, and
13 it made it difficult for Elikya to climb around the higher areas
14 of the cage. So she began to leave Teco with Kanzi, with
15 Matata, with Panbanisha while she climbed up around the higher
16 areas of the cage, and Teco began to try to nurse from Kanzi and
17 the others and became very, very weak. So Elikya finally
18 brought Teco out to me and asked for me to help take care of
19 him, and I did.

20 Q. How old was Teco during this very difficult time in early
21 2012?

22 A. That was the first two months of his life.

23 Q. So during all of the experiences that you were just
24 describing?

25 A. What I just described were the first two months of his life,

1 yes.

2 Q. Dr. Savage-Rumbaugh, after this period in early 2012, what
3 happened at the trust after that?

4 A. Well, in May of 2013, I fell and had a concussion. Prior to
5 that concussion, we had tried to work out a way for me to have
6 some assistance and the project to go forward. And Lyle Simpson
7 had suggested that the best way would be for us to establish a
8 business board and a science board. We had one board that was
9 composed of scientists. While the trust had been operating, I
10 felt that many of the people on the board of the Great Ape Trust
11 who were business people had difficulty understanding the
12 conflict of being people who came from the zoo and people who
13 came from the field of science. So I wanted a board that was
14 composed of scientists so the scientific research trajectory
15 could continue. That was my premise coming here.

16 So we started out with the IPLS board after
17 Mr. Townsend left, and the board was composed of scientists.
18 Mr. Simpson's view was that business people did not want to be
19 on the same board with scientists, and he sat me down and he
20 said, Sue, you really need to have two boards, one with business
21 people and one with scientists. And what the business people
22 will do, they won't bother you, they won't cause any trouble,
23 they won't do anything; they'll just bring in the money, and
24 myself and others will work with them, and we'll fund your work,
25 we'll see that the trajectory goes forward. He even suggested

1 that maybe he would help me obtain guardianship for the bonobos
2 because he knew I was concerned.

3 So he was very supportive and he offered to establish
4 two boards, and we passed resolutions to that effect in the end
5 of 2012, and from that -- and then in May, we effected those
6 resolutions by actually establishing two boards. The resolution
7 set out how the boards would act, and in May we established
8 those two boards.

9 Q. Let's pick it up in late 2012 then.

10 First of all, for the court's benefit who is Lyle
11 Simpson?

12 A. Lyle Simpson was the legal counsel for Bonobo Hope and for
13 IPLS. He took up Jaki Samuelson's role.

14 Q. And you mentioned that there was a proposal made for
15 splitting the two boards, is that right?

16 A. Yes.

17 Q. What was the purpose of the IPLS board?

18 A. The first board, which was the IPLS board, that was the
19 board of scientists, and its purpose was to carry the research
20 trajectory forward. Lyle proposed splitting that board into two
21 boards.

22 Q. What were those two boards going to look like?

23 A. One was going to be composed entirely of business people,
24 hopefully most of them local in Des Moines that Lyle knew.

25 Q. What was the name of that business board?

1 A. That business board was going to carry forth the Iowa
2 Primate Learning Sanctuary name at that time.

3 Q. And what was the purpose of the second board?

4 A. The second board was to be composed of scientists. They
5 were to have oversight over the science. They were to operate
6 the facility, which was to be leased to them for a nominal
7 amount, and they were to be responsible for the health and
8 welfare of the bonobos and full ownership was to be transferred
9 to the board of scientists.

10 Q. What is the name of that board of scientists?

11 A. Bonobo Hope Initiative.

12 Q. Is that sometimes referred to as BHI?

13 A. Yes.

14 Q. Was there any discussion among the board members regarding
15 the purpose for these two separate boards?

16 A. There was a lot of discussion after Lyle made the proposal.
17 There was a great deal of discussion between myself and Lyle
18 prior to the proposal. Many board members worried, as did I,
19 that the business board might take charge, that at some point I
20 might be removed from the bonobos. There were lots of e-mails
21 back and forth about that. Lyle reassured us that that could
22 never happen, I could never be removed from the facility, that
23 the business board would not take over, that I would be a member
24 of the business board, that the chair of BHI, Carmen, would be a
25 member of the business board, and that its sole function would

1 be to raise funds for the science and the operation of the
2 facility and otherwise it would be hands off.

3 Q. Who is Carmen?

4 A. Carmen is the chairperson of Bonobo Hope Initiative.

5 Q. Carmen Mate?

6 A. Yes.

7 Q. M-A-T-E?

8 A. It's "Matae".

9 Q. Excuse me; Mate.

10 How did Mr. Simpson accomplish this division of the
11 two boards; one into business, one into scientists?

12 A. He sent around a lengthy e-mail to the board explaining his
13 desire, and he answered questions from the board, and then he
14 invited the board to vote on resolutions in December of 2012
15 that stated that at some point in the future time, this action
16 would take place, and the board so voted and passed the
17 resolutions that I just described.

18 Q. How did those two boards operate after they were divided?

19 A. They weren't divided in 2012. What happened initially was
20 that Mr. Simpson set up what he called a pro board or pre board
21 or something like that. He brought George Caudill on board and
22 a few other people, and they had meetings even though they
23 weren't yet the IPLS board.

24 And then in May he asked the scientists to all resign
25 from the IPLS board and nominate and place George Caudill and

1 Tom Watson and the other people that he wanted to have on the
2 board at that time, and that the scientists would then go on
3 what he termed the science board.

4 Q. After they were split in 2013, did BHI, in fact, oversee the
5 science?

6 A. Yes. BHI moved to oversee the science. At the time, even
7 before they were split, George Caudill asked me not to
8 communicate directly with the science board, that I needed to go
9 through him before I communicated with the science board. Lyle
10 advised George that the science board suggested that he, George,
11 decide it. So there was definitely an indication that the
12 science board was not operating in quite the way that we had
13 envisioned it would operate.

14 Q. When was BHI actually formed?

15 A. BHI was formed when we learned that Ted Townsend was going
16 to stop funding. And I formed that with another party who
17 advised me to do it over the computer, and I -- Lyle asked me to
18 meet with him and indicated that he could be of some assistance
19 to me, and he asked me what I was doing given that Ted was
20 resigning, and I explained that I was establishing my own
21 nonprofit and I would try to raise money. Lyle said that he
22 would offer assistance and he would offer help and he would
23 offer guidance, and I gave him the paperwork that I had, and he
24 said he would take charge and he would help me from that point
25 on with BHI.

1 Q. So to be clear, Dr. Savage-Rumbaugh, during that period of
2 separating the two boards, what was your understanding of the
3 purpose of the BHI board?

4 A. The purpose of the BHI board was to carry on what the IPLS
5 board had left off, was to look after the trajectory of the
6 science, the welfare of the bonobos, and it was to operate the
7 facility. I think everybody was in agreement that we would at
8 some point bring in some assistance and that there would be a
9 transfer of my senior role to a different role and that I would
10 go forward. Lyle always indicated that that would be a
11 co-direction of the facility for three to four years and at a
12 proper time and whoever came forward would take more
13 responsibility.

14 Q. Before we talk about that transition period, was there also
15 a dispute over the ownership of the bonobos around this time?

16 A. At that time this case was already in the interpleader
17 court. So as we were coming to change over from the Townsend
18 administration to what was the Schweller administration, Lyle
19 was very, very anxious that the lawsuit be resolved. Lyle
20 indicated to me that the judge would be very angry if I didn't
21 resolve it, that I needed to resolve it as soon as possible,
22 that it would be impossible to raise funds if I didn't resolve
23 that, and I needed to do that and that we could go forward from
24 that point.

25 Q. How many settlement agreements were there?

1 A. There were two settlement agreements.

2 Q. Were you a party to both of those settlement agreements?

3 A. Yes.

4 Q. Who represented the parties during the negotiations of those
5 settlements?

6 A. Paul Burns represented IPLS and the board, the IPLS board,
7 of which Ken Schweller was the chair at that point in time.
8 Bill Zifchak represented me, and there were other lawyers
9 representing I guess Atlanta and other places.

10 Q. As a party to both agreements, what was your understanding
11 of the purpose of the main settlement agreement?

12 A. The purpose of the main settlement agreement --

13 THE COURT: Just a second.

14 MR. MILLER: Your Honor, objection; relevance.

15 THE COURT: I'll receive it, subject to objection.

16 MR. STAMBAUGH: Thank you, Your Honor.

17 You can continue.

18 A. The purpose was to resolve the ownership that had been
19 brought before the court and to do it in a way that everybody
20 agreed and could go forward.

21 BY MR. STAMBAUGH:

22 Q. As a party to the supplemental settlement agreement, what
23 was your understanding as to the purpose of that agreement?

24 MR. MILLER: Objection; relevance. Objection to the
25 extent it calls for a legal conclusion.

1 THE COURT: And I will receive it, subject to the
2 objection. The question calls simply for her understanding, not
3 a legal understanding.

4 MR. STAMBAUGH: Thank you, Your Honor. Yes, it does.
5 A. My understanding was that the ownership of the bonobos was
6 to be split between the IPLS board and the BHI board. I was
7 concerned about that and I discussed that with Lyle, and that's
8 when he suggested that perhaps guardianship would be a solution.
9 I think Mr. Zifchak didn't feel that that was really the
10 appropriate solution.

11 Then the resolution was passed that after the board
12 was split, the IPLS board would transfer its ownership to the
13 BHI board, so I -- the science and the work that I had done
14 could go forward under the guidance of that board, and
15 Dr. Taglialatela was a member of that board.

16 BY MR. STAMBAUGH:

17 Q. Did you have any involvement in the drafting of any
18 provisions in the settlement agreements?

19 A. At one point in time when the settlement agreements were
20 still being drafted by Jaki Samuelson and Ted Townsend was in
21 charge, Bill Fields brought a paragraph to me that he wanted to
22 insert into the document to protect the research trajectory.

23 We had been very aware that we were in a very unusual
24 position. We wouldn't own the bonobos the way you could own a
25 dog or a pet. We couldn't have any guardianship the way you

1 have over a child. We were in sort of no man's land and whoever
2 owned the bonobos determined the future. So he felt the only
3 protection to keep the bonobos in the kind of life they had had
4 and to see that the research could actually go forward was to
5 insert a paragraph about the research trajectory itself. So he
6 wrote that paragraph and he brought it to me and I added
7 portions to that paragraph.

8 MR. STAMBAUGH: Your Honor, at this time I would like
9 to publish what's been marked as Exhibit 1. Pursuant to the
10 pretrial order, it's been deemed admitted as a category A.

11 THE COURT: You may. But before we do that, who was
12 it that brought this paragraph to you?

13 THE WITNESS: William Fields. He was the director of
14 the bonobo research project at that time.

15 THE COURT: Thank you.

16 BY MR. STAMBAUGH:

17 Q. Dr. Savage-Rumbaugh, we've published now for the court and
18 counsel what's been marked as Exhibit 1. Is this what has been
19 termed the main settlement agreement?

20 A. Yes.

21 Q. And I would like to draw your attention down to paragraph 4,
22 which I believe is on page 2. If you would go ahead and take a
23 moment to read that paragraph 4 to yourself.

24 (Pause.)

25 A. Yes, I'm familiar with it.

1 Q. Is this the research trajectory paragraph that you were just
2 referring to?

3 A. Yes, it is.

4 Q. Did you add or edit language in this paragraph?

5 A. Yes. I added where it says, "including but not limited to"
6 and then all of the things underneath down to the end of the
7 parentheses.

8 Q. Explain to us what that language means in this paragraph.

9 A. Well, I would like to start by explaining the language prior
10 to it because it's just an extension of that. So it says to
11 continue to be involved in research of the fields of
12 experimental psychology, use of language and tools, and ape
13 intelligence and human cultural modes. This is actually a
14 description of the trajectory of the research, which started out
15 in experimental psychology and finally led into the field of
16 cultural anthropology. And within the field of cultural
17 anthropology where Kanzi is showing he could learn without the
18 kind of training he would have in an experimental paradigm, I
19 was trying to list all of the things that typically are
20 considered uniquely human that had set us apart in time, that
21 apes might be able to do if we continue the research trajectory
22 and that these things might fall out of language. We had
23 already seen that we got for free music, we got for free tool
24 use, we were getting for free art, and we needed to follow up
25 and see how much further they could go.

1 So I included art, music, tools, agriculture, fire,
2 animal domestication, habitat construction, use of water for
3 swimming, and things of that sort, fishing, hunting. Mimics
4 means being able to mimic something, so if you -- if you want a
5 cup of coffee, I can show you like this, would you like a cup of
6 coffee (indicating), and I don't have to speak to do that.
7 Kanzi and many others began to be able to use gestures in that
8 complex kind of way. So we wanted to see how far they could
9 take that.

10 Sociological role construction, we were very -- it
11 became very clear that it was no longer a matter of the dominant
12 ape. Each ape had a different role, and that role as in human
13 society it can change. In one case -- excuse me. In one case
14 you might be a judge, in another case you might be a father, in
15 another case you might be an uncle, in another case you might be
16 a brother, and you behave differently in all of those roles. It
17 was clear that the bonobos were doing that and they were doing
18 that in a way that linked into our linguistic concepts of those
19 roles. We used language to define those roles in society.

20 Normative child rearing practices, I think this is
21 probably the most important one. One of the things that you
22 find when you begin to allow humans to rear apes is that humans
23 get one shot at rearing children, and they don't really study
24 about how to do it and they don't really go to school about how
25 to do it for the most part unless they're psychologists. They

1 do it the way their parents did it. And when you have people
2 working in your lab trying to help you rear your children, you
3 realize that they come with very different backgrounds and they
4 rear children in very different ways and they have very
5 different concepts and practices. And you begin to suddenly see
6 that this rearing that we really haven't studied in detail in
7 human society is causing -- it can cause lots and lots of good
8 things and it can cause many difficulties. So I wanted to look
9 at the practices in rearing that produced the very best kind of
10 environment, the most competent kind of apes, the most moral
11 apes, the least aggressive apes, the most loving apes.

12 Q. Dr. Savage-Rumbaugh, and I'm sorry, I'm going to interrupt
13 you for just a second. As the co-drafter of this provision,
14 what is your understanding of the purpose for including it in
15 this settlement agreement?

16 A. To see that the research trajectory continued for many
17 generations beyond me.

18 Q. And you're referring to your research trajectory?

19 A. Yes.

20 Q. What would happen -- strike that.

21 What is your understanding of what would happen if the
22 trust no longer exists or wasn't able to care for the apes and
23 follow that research trajectory?

24 MR. MILLER: Objection; relevance.

25 THE COURT: I'll receive it, subject to the objection.

1 MR. STAMBAUGH: You may answer.

2 A. Would you state that question again?

3 BY MR. STAMBAUGH:

4 Q. Sure. We just described that the purpose of that
5 paragraph -- you just testified that the purpose is to continue
6 your trajectory at the trust, is that correct?

7 A. Well, the purpose was to continue the trajectory as long as
8 they resided at the trust. The purpose was to continue the
9 trajectory for a long time.

10 Q. And so my question to you is, what is your understanding
11 under the settlement if they no longer resided at the trust
12 vis-a-vis your research trajectory?

13 MR. MILLER: Objection; relevance.

14 THE COURT: Same ruling. Received, subject to the
15 objection.

16 A. The paragraph was put in there to see that the research
17 trajectory continued wherever they were located. Is that the
18 question?

19 BY MR. STAMBAUGH:

20 Q. That's the answer to my question.

21 A. Okay.

22 Q. Thank you.

23 Dr. Savage-Rumbaugh, does BHI exist today?

24 A. Yes.

25 Q. Are you a board member of BHI?

1 A. Yes.

2 Q. I want to draw your attention to paragraph 6 that is now on
3 the screen. This is a paragraph that begins, should the trust
4 cease to exist or otherwise.

5 Do you see where that's written?

6 A. Right at the top.

7 Q. Correct. And it goes on to talk about what might happen
8 should the trust cease to exist or otherwise.

9 Did you have an understanding at the time that you
10 signed this main agreement that Bonobo Hope Initiative would
11 have relocation rights to Maisha should the trust cease to
12 exist?

13 A. Yes.

14 Q. What was the purpose of giving BHI relocation rights?

15 A. BHI owned Maisha and it should make the decisions regarding
16 Maisha.

17 Q. What sort of research trajectory does BHI follow?

18 A. The one I just described.

19 MR. STAMBAUGH: Your Honor, at this point I would ask
20 to publish Exhibit 2, which is also a category A, and pursuant
21 to the pretrial order has been deemed admitted.

22 THE COURT: You may do so. And with regard to any
23 category A exhibit, they're already considered received in
24 evidence, and you don't have to ask permission to publish them.

25 MR. STAMBAUGH: Thank you, Your Honor.

1 BY MR. STAMBAUGH:

2 Q. Dr. Savage-Rumbaugh, you mentioned earlier that there were
3 two settlement agreements, correct?

4 A. Yes.

5 Q. There was a main agreement and a supplemental agreement, is
6 that correct?

7 A. Yes.

8 Q. Was what the purpose of the supplemental agreement?

9 A. The purpose of the supplemental agreement was the ownership
10 was going to be split and we were going to go forward.

11 Q. Which bonobos does the supplemental agreement relate to?

12 A. It relates to the bonobos that were transferred to BHI.

13 Q. Can you name them for us?

14 A. I believe it's every bonobo except Maisha.

15 Q. So that's Kanzi, Nyota --

16 A. -- Panbanisha, Elikya, Teco.

17 Q. Okay. Let me draw your attention to paragraph 2 in this
18 supplemental agreement. I'm going to ask you to take a quick
19 look at paragraph 2. And my question to you will be, is this
20 the same research trajectory paragraph that we just saw in the
21 main settlement agreement?

22 A. Yes.

23 Q. Did you have a role in drafting this provision?

24 A. I drafted the other paragraph and I assumed that it was put
25 in the supplemental agreement.

1 Q. If you take a look at this paragraph, does it appear to be
2 the same as the one we just saw on the main agreement?

3 A. Yes, it's the same.

4 Q. And as a co-drafter of this provision, what was the purpose
5 of this research trajectory provision?

6 A. To continue --

7 MR. MILLER: Objection; relevance.

8 THE COURT: It's --

9 A. To continue the research --

10 THE COURT: Just a minute. When he says that, I have
11 to say something.

12 THE WITNESS: Oh, I'm sorry.

13 THE COURT: Which is, it is received, subject to the
14 objection.

15 THE WITNESS: I'm sorry.

16 THE COURT: You may proceed.

17 A. Yes, it's the same.

18 BY MR. STAMBAUGH:

19 Q. Dr. Savage-Rumbaugh, what was the interplay between the
20 proposal to split the boards and these two settlement agreements
21 that we've just looked at?

22 A. They were presented to me together by Lyle Simpson, and they
23 were my assurance that the concerns I had expressed to
24 Mr. Simpson would be fully resolved and that no one could remove
25 me from this facility or remove the bonobos from the facility

1 without the approval of BHI.

2 Q. So returning to the supplemental agreement, what would
3 happen if the Bonobo 4 -- these other bonobos -- no longer
4 resided at the trust? What is your understanding of what would
5 happen?

6 A. That BHI would determine where they were located.

7 Q. And which research trajectory would be used for the Bonobo
8 4?

9 A. The one that's in that paragraph.

10 Q. That was drafted by you?

11 A. Yes.

12 Q. And that's consistent with your research trajectory?

13 A. Yes.

14 MR. STAMBAUGH: Thank you.

15 You can take the exhibit down.

16 BY MR. STAMBAUGH:

17 Q. Dr. Savage-Rumbaugh, at some point was there a transition,
18 we'll call it, of your role at the Great Ape Trust in 2013?

19 A. Yes.

20 Q. What was that transition? What was your understanding of
21 the transition?

22 A. The transition began when BHI advised Lyle that I needed
23 more assistance, and Lyle was working to help fundraise because,
24 as Lyle wrote, I was pretty much a one-person band. And I
25 remember lecturing to the Prairie Club and many of the women

1 coming up after and saying, we finally understand your research.
2 The research is something that oftentimes women can understand
3 because women play a great role in rearing in our culture, and
4 under the leadership of Ted Townsend, Rob was really the main
5 one describing to Des Moines about the research, and I really
6 never had had an opportunity until the Prairie Club to really
7 present my research in detail. And about five or six women came
8 up to me afterward and they said, we really finally understand
9 and we want you to stay here in Des Moines, and we realize that
10 since you're doing this cross generational research, you need
11 help. Where are you going to get help?

12 BHI had already told me I needed help. I already knew
13 I needed help. So there was no opposition to having other
14 people come and assist me or the transition. When the boards
15 were -- when the boards officially split in May, shortly after
16 that I fell and had a concussion, and at that point in time,
17 Julie Gilmore and my sister wanted me to come back and continue
18 working, and I really felt that I was unable to do it.

19 So I continued to keep contact with the laboratory. I
20 continued to write e-mails and work through Liz and through
21 Gaila. But I also at Lyle Simpson's request began to look for
22 somebody to follow through, and one of the things we had hoped
23 to do was to move ahead with the Federal Sanctuary System. The
24 chimp pack had just passed at that time, and all of the
25 chimpanzees in biomedical research were going to move to

1 sanctuaries, come out of biomedical research. And you will
2 remember that I many, many years earlier had stood on the wing
3 at Yerkes and saw the pain and the distress, and I had wanted to
4 help those chimps.

5 So I thought if we could bring chimpanzees into a
6 sanctuary out of the federal system and there would absolutely
7 be a good situation for them, we could learn how to rehabilitate
8 them.

9 Q. What was your understanding of what your role would be
10 during this transition period?

11 A. My role would be to help it come about in any way that it
12 could and to use my knowledge of chimpanzees and to try to build
13 a better environment for them while continuing the research
14 trajectory and working with additional colleagues.

15 Q. You mentioned that you believed that additional help might
16 be needed, is that correct?

17 A. Yes. I knew if we were -- certainly I needed additional
18 help, but taking on -- they were asking for 30 or 40 additional
19 chimpanzees. The requests that the administration was making at
20 that time were basically -- they computed how many dollars they
21 could get from the Federal Government, and from the number of
22 dollars they computed the number of chimpanzees. I indicated
23 that I thought that was a lot of chimpanzees to start with; but
24 my role would have been to take that -- to help take that
25 forward.

1 Q. Did you understand that you would continue to have access to
2 the bonobos during this transition period?

3 A. Definitely.

4 Q. I would like to go ahead and publish for court and counsel
5 Exhibit 27.

6 Dr. Savage-Rumbaugh, if you could please go ahead and
7 take a look at what has been marked as Exhibit 27. This is the
8 board minutes of the IPLS on May 22, 2013. I want to draw your
9 attention to the bottom of this first page. There's a
10 resolution, and it reads, "Resolved, that Dr. Sue
11 Savage-Rumbaugh be elected director emeritus of scientific
12 research of the Iowa Primate Learning Sanctuary with unfettered
13 permanent access to the bonobo colony."

14 Dr. Rumbaugh, when is the first time that you learned
15 of this resolution?

16 A. Yesterday.

17 Q. Was it your understanding that during this transition you
18 would have unfettered permanent access to the bonobo colony?

19 A. Yes. But I was not at that board meeting because I had a
20 concussion and I did not receive any invitations to that board
21 meeting. And I had been assured in a number of e-mails and
22 conversations with Lyle that this was the case. I went forward
23 throughout the summer assuming this was the case. I went
24 forward looking for a successor assuming that this was the case.
25 I didn't know it was an official resolution until yesterday.

1 Q. Did you talk to --

2 A. I should have been on that board and at that meeting.

3 Q. Did you talk with other BHI members about how you
4 anticipated that this would be the case, that you would have
5 access, continued access to the colony?

6 A. Lyle had written them indicating that I had had some
7 difficulties and he wanted me to look for a successor and that I
8 would have continued access to the colony and I would co-direct
9 with whoever was selected for three to four years. He had
10 written that with them. So he didn't discuss if it would
11 happen. We assumed that if Lyle said it, it would happen.

12 Q. You mentioned just a minute ago that you made a
13 recommendation for someone to assist you during this transition
14 period, is that right?

15 A. Yes, I did.

16 Q. Who did you recommend?

17 A. I recommended Dr. Taglialatela.

18 Q. Why did you recommend Dr. Taglialatela?

19 A. He had been a student of mine in the past and he had helped
20 supervise the staff. He was interested in the social behavior
21 and the linguistic behavior of the bonobos. I wanted to select
22 someone who could potentially work with the Federal Sanctuary
23 System, and I wanted to select someone who had a history of
24 direct interaction and contact with the bonobos and that I
25 believed understood and supported the research and who had

1 coauthored the work with me and that believed in the research
2 trajectory and would take it forward.

3 Q. Did you write a letter to both boards with your
4 recommendation of Dr. Taglialatela?

5 A. Yes, I did.

6 Q. What was your understanding of your role in the research
7 going forward when you wrote that letter of recommendation?

8 A. My understanding was that I would co-direct the facility for
9 the next three or four years and I would have unfettered access
10 with the bonobos beyond that time.

11 Q. What was that understanding based on at the time that you
12 wrote the letter?

13 A. It was based on Lyle Simpson's letters to me and Lyle
14 Simpson's phone calls with Duane and his phone calls with me,
15 and it was based on the comments that I had heard, both e-mail
16 and over the phone from George Caudill and Julie Gilmore, and it
17 was based on my phone conversations with Dr. Taglialatela.

18 Q. When did you write that letter of recommendation?

19 A. I'd have to look at the date. I think it was October 26th.

20 Q. It was in the fall of 2013?

21 A. Yes.

22 Q. Dr. Savage-Rumbaugh, when you wrote that letter of
23 recommendation, what was your understanding of the research
24 trajectory -- easy for me to say -- that Dr. Taglialatela would
25 continue with?

1 A. The one that was in the settlement agreement.

2 Q. That had been signed earlier that year?

3 A. Yes, when he was a member of the board.

4 MR. STAMBAUGH: Your Honor, if I may just have one
5 moment, please.

6 (Pause.)

7 MR. STAMBAUGH: Thank you, Your Honor.

8 I would like now to publish what has been marked as
9 Exhibit 42.

10 BY MR. STAMBAUGH:

11 Q. Dr. Savage-Rumbaugh, you just testified that in October of
12 2013 you recommended Dr. Taglialatela, you had sent that letter
13 of recommendation with an understanding based upon the
14 settlements and your discussions. And I have just published for
15 the court and counsel Exhibit 42, which is an e-mail on
16 November 10, 2013 from George Caudill, and it reads:

17 "Sue, in the next few minutes, when you depart, please
18 leave your access card and any keys with whomever is on
19 duty right now.

20 "Thank you.

21 "George."

22 What happened between October and November 10, 2013?

23 A. I can only speculate and offer some documentation to that
24 speculation. I later on was to learn that Yerkes had placed
25 some constraints on my being at the facility, but I did nothing

1 between that time except come back to help take care of Teco who
2 had become ill.

3 Q. And after you had made this recommendation for
4 Dr. Taglialatela to assist you, what happened to your role in
5 the lab?

6 A. I was asked to leave the lab and I was told that unless I
7 left Des Moines and said nothing, I would never be allowed to
8 see the bonobos again in my life. I was told basically to shut
9 up and get out of town.

10 Q. You said you were banned from the lab?

11 A. Yes.

12 Q. By whom?

13 A. By Dr. Caudill, on authority of Lyle Simpson.

14 Q. Was that your understanding of what would happen after you
15 wrote a letter of recommendation?

16 A. No, it definitely was not.

17 Q. Would you have written that letter if someone had told you
18 that you were going to be banned from the lab?

19 A. I certainly would not.

20 Q. Would you have written that letter if someone had told you
21 that Yerkes was demanding that you be removed from the lab?

22 A. No.

23 Q. Were you actually kicked off the premises on November 10th?

24 A. Yes.

25 Q. How did that happen?

1 A. I got an e-mail from George Caudill asking me to leave. I
2 indicated that someone needed to come and take care of Teco
3 because he was still ill, and they had trouble finding anybody
4 to come and take care of Teco. It took some time before finally
5 my sister had rested up enough, she had been taking care of him
6 five days and nights until I got there to help her, and when she
7 rested up enough, she came to take care of Teco and I left the
8 lab.

9 Q. Was this consistent with the transition as it had been
10 explained to you in mid October of 2013?

11 A. It was the strangest thing that had ever happened to me in
12 my life. It was completely inconsistent.

13 Q. Was this consistent with the settlement agreements that you
14 had helped draft and sign earlier that year?

15 A. No. It was not consistent with anything on paper or
16 anything in my experience in my entire history of interaction
17 with Lyle Simpson. I didn't know George Caudill very well. He
18 had just came onto the scene.

19 Q. Dr. Savage-Rumbaugh, were you ever told that you were
20 removed from the IPLS board prior to December 2013?

21 A. No. I was -- every indication I had from George and Lyle
22 was that I was on the board.

23 Q. Did you ever quit the board?

24 A. No.

25 Q. Did you ever indicate in any manner that you wanted to be

1 removed?

2 A. I would not have done so. I knew that being on both boards
3 was critical, and I had talked with Lyle about that many times.

4 Q. Did you ever agree, as suggested by Mr. Miller in his
5 opening, that it was time for you to step aside completely?

6 A. No, I did not.

7 Q. Did you as a BHI board member have any notice of this, being
8 removed, prior to voting Dr. Taglialatela or Dr. Hopkins on to
9 the board?

10 A. No. I assumed that I was a member of the IPLS board.

11 Q. Do you know when Dr. Taglialatela and Dr. Hopkins were voted
12 on to the IPLS board?

13 A. They were voted on as we were transiting the request of
14 Dr. Schweller to move the bonobos to Mississippi when he thought
15 we were low on funding. At that point in time I believe was
16 when Dr. Taglialatela came on the board. I would have to check
17 the notes for the exact date, but it was certainly prior to the
18 other events we're discussing.

19 Q. Were you made aware of that vote?

20 A. Oh, you mean on the IPLS board?

21 Q. On the IPLS board, correct?

22 A. No. I don't know when he came on the IPLS board. I thought
23 you meant the BHI -- well, the IPLS -- he first came on the IPLS
24 board before it was split into two boards; but then when it was
25 split into two boards and there was the business board, he was

1 not on it at that time. So he had to be added to it because all
2 of the scientists resigned from it.

3 So when he was added back to it by Lyle and George and
4 others on the board, I was not made aware of that and I don't
5 know when it occurred -- I didn't know at that time when it
6 occurred.

7 Q. Do you know if any other BHI members, to your knowledge,
8 were aware of the fact that you were allegedly kicked off the
9 board prior to voting Dr. Taglialatela and Dr. Hopkins on to the
10 board?

11 A. I was told that I would not be allowed to tell them that or
12 to talk to them or to write any e-mails to them and the only way
13 I would be allowed to see the bonobos again was if I followed
14 those orders.

15 Q. Was that surprising to you --

16 A. Yes.

17 Q. -- after the settlement agreements and the resolutions that
18 we've talked about?

19 A. Yes.

20 Q. Dr. Savage-Rumbaugh, we talked earlier a little bit about
21 the research trajectory that you've accomplished over four
22 decades of your life. I want to ask you a few follow-up
23 questions about that.

24 Is wearing masks and gloves around the bonobos
25 consistent with that research trajectory?

1 A. If a person were ill, they would probably wear masks or
2 gloves if they were a person that wasn't very, very close to the
3 bonobos the whole time, but otherwise we would not have masks
4 and gloves.

5 Q. Is having indirect contact with the bonobos consistent with
6 your research trajectory?

7 A. I'm not really sure what you are implying by indirect
8 contact.

9 Q. Let me ask a better question.

10 Does your research trajectory require that you have
11 direct contact with the bonobos?

12 A. Yes.

13 Q. What sort of direct contact?

14 A. The same kind of contact you would have in a family
15 situation. It doesn't require that everyone working with the
16 bonobos have that kind of contact. It does require that some
17 individuals have that level of contact.

18 Q. I want to return briefly to when you were kicked out of the
19 lab, Dr. Savage-Rumbaugh. Did you agree to, quote, give up
20 control as Mr. Miller suggested in his opening?

21 A. No, I did not. I resisted it even at the moment I was
22 kicked out, and I told them that it was wrong.

23 Q. Have you agreed to live within the boundaries of the
24 settlement agreements and the resolutions as they were explained
25 to you?

1 A. Yes, I have.

2 MR. STAMBAUGH: Your Honor, may I have one moment?

3 THE COURT: Please.

4 (Pause.)

5 MR. STAMBAUGH: I appreciate the court's indulgence.

6 I have just a few more questions.

7 BY MR. STAMBAUGH:

8 Q. Dr. Savage-Rumbaugh, has BHI been satisfied with

9 Dr. Taglialatela's performance to date?

10 A. It's given Dr. Taglialatela every benefit of the doubt and
11 every opportunity to communicate and every opportunity to help
12 him, and it has been dissatisfied with his response.

13 Q. Has BHI taken any measures to show that dissatisfaction with
14 Dr. Taglialatela?

15 A. Yes, it has.

16 Q. What has it done?

17 A. It's removed him from his position.

18 Q. Was that pursuant to a formal vote?

19 A. Yes.

20 Q. When did that vote take place?

21 A. I would have to look at the document to give you the exact
22 date.

23 Q. Was it sometime in 2015?

24 A. Oh, yes.

25 Q. Was it sometime in the last few months?

1 A. Yes.

2 MR. STAMBAUGH: Your Honor, I have no further
3 questions, subject, of course, to redirect.

4 THE COURT: Thank you.

5 We're just before the noon hour, Counsel. I think
6 we'll take our noon recess at this time. We'll be in recess
7 until 1 o'clock this afternoon.

8 Thank you.

9 MR. STAMBAUGH: Thank you, Your Honor.

10 (Recess at 11:53 a.m., until 1:00 p.m.)
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1 AFTERNOON SESSION 1:05 p.m.

2 (In open court.)

3 THE COURT: Please be seated, everybody.

4 SUE SAVAGE-RUMBAUGH,

5 resumed her testimony as follows:

6 THE COURT: And, Mr. Miller, you may cross-examine or
7 your colleague may, whoever is going to do it.

8 MR. MILLER: Thank you, Your Honor. I will go ahead
9 and proceed.

10 Thank you.

11 CROSS-EXAMINATION

12 BY MR. MILLER:

13 Q. Dr. Rumbaugh, can you hear me okay?

14 A. Yes, I can.

15 Q. I don't believe that I'm going to be referring to your
16 husband, Duane Rumbaugh, today; but I may refer to calling you
17 Dr. Sue. I mean no offense by that, okay?

18 A. Yes.

19 Q. Okay. Thank you.

20 Dr. Sue, I first want to talk to you a little bit
21 about flooding, and you testified about some concerns about
22 flooding at the site. You've known that flooding could happen
23 at the site of the facility since before you moved here with the
24 colony, right?

25 A. I knew that they were concerned enough that they had to

1 build the building out of the floodplain. I was assured that
2 the building would never ever flood. Even as the water was at
3 the door, I was assured the building would never flood.

4 Q. And it flooded in 2008?

5 A. Yes.

6 Q. And you experienced that, I know you've told the court.

7 At that time there was no contingency plan for
8 flooding, for moving the animals at that time, right?

9 A. We were assured that the building would not flood. We
10 worked on a few contingency plans, but the director was an
11 engineer and was in close contact at every moment with the Corps
12 of Engineers, said we did not have to execute. We did have some
13 emergency plans, but they were said to be not needed.

14 Q. And you weathered the storm, so to say, and the apes stayed
15 there after 2008, correct?

16 A. I don't think we actually would have weathered the storm if
17 Liz and I hadn't been there to tell you the truth.

18 Q. Well, that's actually not my question.

19 The apes stayed there after the flood, correct?

20 A. They stayed there after the flood, yes.

21 Q. They stayed there in 2009?

22 A. Yes.

23 Q. 2010?

24 A. Yes.

25 Q. 2011?

1 A. Yes.

2 Q. They're still there today, correct?

3 A. Yes. It's flooded twice more since then, but not gone into
4 the building, but blocked the access to the building.

5 Q. In 2012 there was a discussion about relocating the apes to
6 a new site, correct?

7 A. Correct.

8 Q. You objected to that quite vociferously, correct?

9 A. Yes, I did.

10 Q. And --

11 A. Because it wouldn't have allowed me to continue the research
12 trajectory.

13 Q. Okay. 2013 you applied for a grant from Prairie Meadows to
14 continue to support the operation, is that right?

15 A. Yes, I did.

16 Q. And that grant was premised on creating an artist colony at
17 the facility, right?

18 A. It wasn't premised on creating a complete artist colony, but
19 that was part of the grant, yes.

20 Q. Okay. And, in fact, your brother would have been an artist
21 in residence to work with the bonobos?

22 A. He wouldn't have stayed there, no. He has a studio in
23 Springfield, Missouri, and he has several other grants. He
24 would have assisted us but, no, there was no plan for my brother
25 to stay as an artist in residence.

1 Q. And around this same time frame, you were out talking to the
2 public about the facility and about the work of Great Ape Trust,
3 correct?

4 A. I was very rarely out talking with the public because I was
5 basically taking care of Teco and the other apes and cleaning
6 and feeding and doing other duties.

7 Q. Do you remember appearing on Iowa Public Radio for an
8 interview?

9 A. I've appeared on a number of Iowa Public Radio shows,
10 including one last week.

11 Q. All right. And do you recall at this time that you were
12 interviewed by Charity Nebbe in 2012?

13 A. Yes, I believe I was interviewed by Charity Nebbe.

14 Q. You and Dr. Gilmore participated in that, too, correct?

15 A. I believe Dr. Gilmore was there. She was the veterinarian.

16 Q. Right. And Ms. Nebbe during that interview asked you again
17 a backup plan for moving the bonobos, is that right?

18 A. Yes.

19 Q. At that point in time, you said, no, that's not going to
20 happen?

21 A. Yes, I did. I thought it was not going to happen. I had
22 been told that if they built the bypass, it would no longer
23 flood, and I was trusting of that.

24 Q. And you testified earlier, if I understand you correctly,
25 that there was some concern that the water was toxic, is that

1 correct?

2 A. We had repeated reports to the staff in the building that we
3 had to be very, very careful, we shouldn't touch the water, we
4 shouldn't be in it, we should have our waders, the water was
5 toxic, we had to keep the bonobos out of the water.

6 Q. And from 2008 through the time you were at the facility, you
7 never had any testing done on that water to substantiate that
8 alleged claim?

9 A. I wasn't in a position to direct such testing.

10 Q. And you did not have the testing done, correct?

11 A. It wasn't up to me to have any testing done. That would
12 have been up to Dr. Gilmore.

13 Q. Okay.

14 A. I did discuss the problem several times, and when I was
15 initially director, I had the water in the building tested
16 because I was concerned that it was toxic, and the Water Works
17 changed how the water in the building was directed because it
18 was -- it did turn out to be toxic and they had to make major
19 changes because of that.

20 Q. Well, you certainly don't have any proof that the water
21 caused illness to any animal or to your sister, correct?

22 A. I haven't sought to obtain any proof.

23 Q. Now, you did, however, have a report put together ostensibly
24 for this proceeding about flooding at the facility, is that
25 right?

1 A. One of our board advisors offered to have an engineering
2 agency who specializes in that provide us a report.

3 Q. Okay. So seven years after the flooding in 2008 that you
4 have such concern about and only when you're about to have a
5 hearing in front of the judge do you get a report, is that
6 right?

7 MR. STAMBAUGH: Objection; argumentative.

8 A. No, that's not right.

9 BY MR. MILLER:

10 Q. Okay.

11 THE COURT: Let's back up. Just a minute. I will
12 receive it, subject to objection.

13 A. No, that's not right. I've been calling for such a report
14 for some time. Basically it was my understanding that if they
15 expanded the bypass, it would not flood. The bypass has been
16 sufficiently expanded now that one can go stand and look there
17 and see if there's enough water on the other side. Expanding
18 the hole in the bypass is not going to make any difference.

19 In addition, my neighbors who lived around there have
20 had a lot of time to talk to me in the last two years since I'm
21 not with the bonobos, and they've all informed me that in 1993
22 the whole area was under flood, way up to the railroad tracks,
23 and there was no bypass built at all.

24 So it just seemed to me that I needed to reconsider.
25 It wasn't because I was concerned that ACCI is there. I'm

1 concerned about the health and wellbeing of the bonobos.

2 BY MR. MILLER:

3 Q. Right. They told you about 1993, and that was the exact
4 same way you found the site in 2008 when you moved the bonobos
5 off, potential for flooding, correct?

6 A. But I didn't know how high the water had gone in 1993. I
7 was not told. I just knew the site had a potential for
8 flooding. In Atlanta we built the building on a site that had
9 potential for flooding. The university told us they would build
10 the building out of the floodplain, and they did. We had water
11 up to the building, but it didn't come in, and they built the
12 road up so that we could always have access.

13 I assumed we were in a similar situation here, they
14 would build the building as they said, completely out of the
15 floodplain, and they would build the road high enough so we
16 would have access. That did not happen.

17 Q. And the only time you've analyzed the situation with
18 flooding, actually had an expert look at it was a month ahead of
19 this hearing?

20 A. I wasn't in the position to direct such a call. I couldn't
21 tell Jared, "Jared, you really need to check out the flood." I
22 think I have written some e-mails to other board members that
23 concern has been expressed repeatedly for a very long time in my
24 e-mails. And I wasn't in a position when Dr. Gilmore was
25 director to direct such a question, and I wasn't in a position

1 when Dr. Fields was -- Mr. Fields was there; but certainly after
2 2008 had I been in the position to have that authority, I would
3 have done so.

4 Q. Stepping back a moment to the Prairie Meadows grant,
5 certainly you've been out and about talking with the public
6 about the bonobos over time, correct?

7 A. Not extensively, but I have been. I was not the foreperson
8 for the Great Ape Trust. They attempted to send Rob Shumaker
9 out. As I said before, the only time I have really been able to
10 explain my research to the public was at that Prairie Club
11 meeting.

12 Q. And at that Prairie Club meeting, did you have Teco with
13 you?

14 A. No, I did not.

15 Q. Okay. You've been out and about at events where you brought
16 one of the bonobos with you to meet others?

17 A. I had IACUC approval one time under the auspices of the
18 Great Ape Trust and the veterinarian from Iowa State to take
19 Teco to a specific public gathering, and there were people there
20 to assist me, and he was I think about six months of age.

21 Q. Was that the visit to the church on 42nd Street?

22 A. I believe so.

23 Q. What about the visit to the Ray Society?

24 A. I didn't take Teco to the Ray Society. I know you have a
25 document that -- the Ray Society came to visit the center. I

1 didn't take Teco any place out to the Ray Society ever.

2 Q. You discussed earlier with the judge, with your counsel
3 about Mr. Townsend's vision for the Great Ape Trust.

4 A. Yes.

5 Q. And you feel you had some sense for his vision, is that
6 correct?

7 A. Yes.

8 Q. And one of the aspects of the vision was to share the
9 bonobos with the public?

10 A. No.

11 Q. To not introduce them to others through things like an
12 artist colony or through meetings with the public?

13 A. Well, we were going to construct small domes with glass in
14 between and there would be trails that the public could go on
15 completely separate from the bonobos, and they would enter a
16 small round building with a glass wall in between, and the
17 public could do tool making on one side, the bonobos would do
18 tool making on the other side of the glass, or the public could
19 make music on one side and the bonobos would make music on the
20 other side. It wasn't to literally introduce, to take Teco into
21 the public. That was never his intent.

22 Q. You also got an exhibitor's license while you were the
23 executive director, correct?

24 A. Not while I was executive director. Al Setka got an
25 exhibitor's license, and when we were placed in charge of the

1 facility, the USDA agent came actually while I had the Ray
2 Society there, she arrived and announced to me that that
3 exhibitor's license had been cancelled I believe by Susan McKee
4 and that I needed to reapply for the exhibitor's license if I
5 was going to have anyone in the building, such as at the bike
6 ride where you now need an exhibitor's license, I guess, and you
7 have a bike ride and you have people in the building. To have
8 people in the building such as you've recently done, I would
9 need an exhibitor's license.

10 Q. Right.

11 A. And the trust had always had one.

12 Q. Very good. So you've moved with the bonobos on various
13 occasions, correct?

14 A. No. I made one move here.

15 Q. You moved facilities, I believe, in Georgia, or did I
16 misunderstand that?

17 A. I began the project with the bonobos in 1980 after I moved
18 to this facility. Prior to that my work was with Sherman and
19 Austin, and I initially moved the chimpanzees, Sherman and
20 Austin as well, to the language research center.

21 Q. Thanks for that clarification.

22 When the Iowa opportunity arose, there were some other
23 locations that you considered as well, correct?

24 A. I was considering them. I was not aware that Mr. Townsend
25 had already gone to the Iowa State administration and

1 contributed \$450,000, which was essentially a purchase of the
2 bonobos. There was really no consideration after he had done
3 that.

4 Q. And you thought the Iowa proposal that he put forth was a
5 good one?

6 A. My preference was to work with Penny Patterson and take the
7 bonobos to Hawaii.

8 Q. But, nonetheless, you came up here to Iowa at Mr. Townsend's
9 behest apparently?

10 A. I really didn't have any choice. Once the university
11 administration accepted his \$450,000, I could have stayed, and I
12 had a tenured position. I could have taught, but the bonobos
13 were coming here. They were bought and sold quite simply.

14 Q. And I think you told me that you liked the Iowa location
15 because it was pretty similar to the Georgia location you were
16 at?

17 A. Well, I was very worried about the size of the Des Moines
18 River. We had the little small South River. The Des Moines
19 River, when it runs into the Raccoon River, it's something that
20 I -- you know, it's really powerful. And I was very worried
21 about the cold, and many, many people that wanted to fund me
22 were very, very worried about the cold, and many people,
23 including Peter Gabriel, and Steve Woodruff of the Coca-Cola
24 Foundation, and Mr. Hyashibara of Japan who would have funded me
25 had I gone either to Hawaii or Japan, pulled out because they

1 did not think the bonobos should be in Iowa.

2 Q. Okay. Townsend stated -- and he sunk 20 million dollars?

3 A. He was the only one in. He didn't stay in; one of the only
4 ones.

5 Q. Fair enough. But at least at the time when he moved you
6 here and then for the next several years, over time he put 20
7 million dollars in the operation?

8 A. Yes, he did.

9 Q. And when you moved up here, you helped design the facility,
10 is that correct?

11 A. Yes, I did.

12 Q. And it was state of the art?

13 A. I designed the facility with architects who were working
14 with a zoo-based mentality, and they were really influenced by
15 Rob Shumaker and Ben Beck, and there was quite a bit of
16 competition over whether we were going to have a zoo or whether
17 we were going to have a research facility. My original request
18 was for a small butler building. Duane indicated to Ted over
19 and over that we needed a small butler building to get here, get
20 on the ground, show that we could continue to do research and we
21 would have access to the outdoors and the trajectory could
22 continue and to put the money into an endowment, not a building.
23 It was Ted that chose to make a 20 million dollar building and
24 Ted that wanted an edifice that would be state of the art. I
25 would say there was an attempt to make it state of the art to my

1 research, but that attempt was compromised many, many times
2 during design sessions by Rob Shumaker and Ben Beck.

3 Q. I don't know if -- who is Ben Beck? I don't know that we've
4 talked about him.

5 A. He came with Rob Shumaker. He was the former curator at the
6 National Smithsonian. He has worked with tools. He's well
7 known for a book on toolmaking in nonhuman primates. His
8 background is in anthropology, and he has worked with
9 Dr. Tuttle.

10 Q. Now, up until the move to Des Moines, you were a research
11 associate with Yerkes, which you referred to before, is that
12 correct?

13 A. I was a research associate with Yerkes. At the time during
14 the five years I was with Yerkes and I was a research associate
15 for, I would have to check another three to five or six years
16 while I was at Georgia State, but Yerkes removed that research
17 associate position at some point after I was at Georgia State.

18 Q. And I think you, when I talked to you in your deposition,
19 told me that you felt you had somehow run afoul of Yerkes and
20 they were upset with your research; is that a
21 fair approximation?

22 A. I hadn't run afoul with Yerkes. I had done research that as
23 it became known became problematic for Yerkes because if it's
24 understood that apes have the ability that have been
25 demonstrated for Kanzi, it would be very difficult to continue

1 to keep apes in the kind of caging and biomedical situation that
2 I described earlier.

3 Q. And, in fact, I think you told me that your husband,
4 Dr. Duane, thought he was threatened in some way by Yerkes?

5 A. He reported to me that at the time that NHK came and filmed
6 and was going to go worldwide on the documentary of Kanzi's
7 abilities, the director came to the center and he watched the
8 video, and he took me aside and he said, I'm going to shut your
9 research down. He then talked to Duane. He and Duane often
10 talked, and he told Duane that in the past if he gave orders to
11 do something, they needed to be carried out and people had, in
12 fact, not stayed around on the planet if they weren't followed.

13 Q. Eventually your research associate position with Yerkes was
14 terminated?

15 A. Yes.

16 Q. And you don't have any personal knowledge about whatever
17 relationship may or may not exist between Yerkes and ACCI?

18 A. I have the knowledge that Lyle has transmitted to me and I
19 have the knowledge from Jared's deposition.

20 Q. Now, Lyle didn't transmit any information to you.

21 A. He transmitted a lot of information to me.

22 Q. Okay. Again, you don't have any direct information
23 yourself, you have never spoken to anybody at Yerkes?

24 A. After I transmitted to Bill Zifchak Lyle Simpson's request
25 that I could no longer talk with him and I had to contact a

1 lawyer, Bill Zifchak instructed me not to contact Yerkes or
2 anybody else but to remain silent. So I learned from Lyle what
3 was happening, and I was astonished, and I've not been allowed
4 to try to find anything else out. I've been asked to be quiet,
5 and I have.

6 Q. Okay. I think to change gears a little bit, too, you were
7 telling the court earlier about the Bonobo 12. What is the
8 Bonobo 12?

9 MR. STAMBAUGH: Objection; misstates earlier
10 testimony.

11 THE COURT: Well, the question just asked what is
12 Bonobo 12. So that's what I'm interested in if you can tell us.

13 Thank you.

14 A. There were a group of people that claimed to be employees
15 who worked under me. Only a very few of them actually worked
16 with me. None of them worked under me. During a period of
17 three years while Mr. Fields was in charge of the lab, these
18 employees worked with me. When it came time to transition and
19 we knew there were not going to be funds from Ted, one of these
20 employees who was paid by Mr. Lauridsen and had a special
21 scholarship through Mr. Lauridsen brought Mr. Lauridsen to the
22 lab and hoped to obtain funding for the continuation of the lab.
23 I showed Mr. Lauridsen around.

24 The Bonobo 12 continued to work with him and with
25 others, and they had a desire to essentially do what

1 Mr. Taglialatela has done -- or Dr. Taglialatela, pardon me.
2 They wanted their research to go forward and have me excluded.
3 So a variety of complaints were filed against me with the IACUC,
4 and those complaints were later investigated by two special
5 panels and found to be completely false.

6 BY MR. MILLER:

7 Q. Now, out of that process, I think, is the time frame when
8 there's a question of whether the bonobos are going to need to
9 be relocated because the funding is in jeopardy, is that
10 correct?

11 A. It was a time of transition of power from Ted's authority to
12 whoever else would be in authority. It turned out to be Ken
13 Schweller, and nobody knew where the funding was going to come
14 from when Ted's money ran out.

15 Q. And at that time, we're talking late 2011, early 2012,
16 correct?

17 A. Late 2011.

18 Q. Okay. And at that time there's one board called IPLS,
19 correct?

20 A. Yes.

21 Q. And it includes several of the individuals who are on the
22 board of the current BHI, including --

23 A. No.

24 Q. No. Okay. How am I wrong about that?

25 A. At that time the board was Connie Wimer, Sue Coop, Suku

1 Radia, Ted, Margo Blumenthal. Jim Aipperspach may have been an
2 auxiliary member. I don't know if he was an official member. I
3 guess Jim Aipperspach was an official member of the board. I
4 think that was the board.

5 Q. And that's the IPLS board?

6 A. That was the IPLS board during the time that the transition
7 was underway near the end of 2011. Is that the time you're
8 asking me about?

9 Q. Correct. So does Bonobo Hope, BHI exist at that time?

10 A. I had begun to form BHI and I had asked a number of people
11 to serve on BHI, and we had had some initiating meetings which I
12 believe took place around that time.

13 Q. Okay. So one of the people you invited to that board was
14 Dr. Taglialatela, correct?

15 A. No. I didn't invite Dr. Taglialatela to that board at that
16 time, no.

17 Q. You eventually invited him to the Bonobo Hope board?

18 A. Much later, yes.

19 Q. At this 2011 period was Dr. Dubreuil on that board, Bonobo
20 Hope?

21 A. No, I don't think so.

22 Q. Okay. Are any members of the current Bonobo Hope at the
23 party that's involved in this lawsuit, were they members of the
24 BHI board at that point in time?

25 A. Derek Wildman was a member, Nancy Howell was a member of the

1 board at that time. Sally Coxe was a member and I believe Itai
2 Roffman was a member.

3 Q. Thank you. And I apologize for the confusion.

4 What I wanted to be clear about is those board members
5 at that time in 2011 were encouraging you to relocate the
6 bonobos, correct?

7 A. No. What had happened was that Ted had indicated that the
8 bonobos were going to need to be relocated, and I had met with
9 Ted and his board, Connie and Margo, several times, and my
10 position was that, Ted, if you're out of money, let's first turn
11 to your board and ask these board members to help us to try to
12 get through a difficult time, and if it goes forward the way
13 that I hope it will, then we can start to ask Peter Gabriel and
14 others for money, we can start to get grants again, because by
15 that time we had animal assurances, which themselves cost about
16 a million dollars to get, and we're required to even apply for a
17 federal grant.

18 So we had really gotten in a position where if the
19 rest of the board members, Margo and Connie and others, had
20 supported us and gone forward, we could have done fine; but Ted
21 was adamant that the bonobos move, and at board meetings, he
22 said, these bonobos are moving, you know, when I leave. And I,
23 you know, didn't know really what was going to happen.

24 Q. Did I understand you correctly that you would have taken
25 bonobos out to A & W in the past?

1 A. At the University of Oklahoma before there were IACUCs, yes.

2 Q. Well, and you would put them in the car and would take them
3 to Wendy's here in Des Moines, correct?

4 A. No. Unless I had approval from Dr. Gilmore, I didn't put
5 them in any place here in the car and take them anywhere.

6 Q. You went out to a Buddhist temple or to visit a relative
7 with Teco, is that correct?

8 A. I didn't take any bonobos anywhere unless I had the approval
9 of Dr. Gilmore to take them there.

10 Q. Did you have any --

11 A. But let me just say that across the years, the IACUCs became
12 in place. When I began my work in 1975, there was not an IACUC
13 and there were no rules and regulations, and I was working as a
14 graduate student and it was part of my job, my paid job to drive
15 the bonobos to different places. I was ordered to do that by my
16 faculty supervisor.

17 One of the things I did regularly was take a bonobo,
18 Lucy, who had been reared in a human home five or ten miles away
19 to 60 acres of land that they owned, and Lucy was allowed to go
20 on their land. And oftentimes I wouldn't even see Lucy. And I
21 was instructed when I was ready to go back to hit the horn and
22 Lucy would come and jump in the car, and she did.

23 I could tell many more things that happened at the
24 University of Oklahoma, but in part because of my work, IACUCs
25 and protocols came into being while I was at Yerkes, not only

1 because of my work but basically because animal rights were also
2 breaking into places. And once those rules and regulations
3 began to try to govern how a person is able to do research, I
4 had to go through a whole series of rules and regulations to get
5 approval to do anything, and I didn't skirt those intentionally
6 ever.

7 Q. Correct. You understand rules and regulations are important
8 for working with bonobos?

9 A. Yes, I do.

10 Q. Right. And I think you told me -- well, first off, was Lucy
11 a bonobo?

12 A. Lucy was a chimpanzee.

13 Q. Did Lucy come with you from Georgia?

14 A. No. Lucy was reared in a human home. There's a book on
15 Lucy that was written by a clinical psychologist that describes
16 how humanized an ape can become when it's raised from the day of
17 birth in a human home. That was part of the research project of
18 my major professor William Lemmon.

19 Q. What happened with Lucy? She wasn't part of your research
20 trajectory?

21 A. I was a graduate student like Jared was a graduate student
22 working under me, and so at that time I was learning about what
23 happens if an ape is reared in a human home, what happens if an
24 ape is reared with nonspecifics, what happens if an ape is
25 reared with its mother, what happens if an ape has had traumatic

1 experiences, and I was seeing all the different apes to which I
2 was exposed.

3 Q. Okay. You didn't bring Lucy with you, though?

4 A. Lucy did not come here, no.

5 Q. What happened to Lucy?

6 A. Her parents decided to try to reintroduce Lucy to the wild,
7 and Lucy was not a member of a chimpanzee group. Lucy was never
8 really able to integrate into a chimpanzee group. It was
9 because of Lucy that I made the vow to never raise a Kanzi or a
10 Teco or a Panbanisha without constant contact with other bonobos
11 and their mothers because I saw in Oklahoma what happens when
12 you do that.

13 So because Lucy was never exposed to other chimpanzees
14 growing up, she really wasn't able to integrate with other
15 chimpanzees, and when she couldn't integrate at Oklahoma, they
16 tried to introduce her to an island with other chimpanzees in
17 the wild. She survived for a while, but she eventually passed
18 away.

19 Q. So if I'm following you correctly, she was human reared or
20 reared with humans and taken back to the wild, so to say?

21 A. You're not following me correctly, exactly.

22 Q. Okay.

23 A. She was reared without any contact with any other
24 chimpanzees by experimental design. I have never replicated
25 that procedure.

1 Q. Okay. I understand. But eventually she went back to the
2 wild, as it were, and was killed or harmed or died?

3 MR. STAMBAUGH: Objection; relevance as to this whole
4 line of questioning. It's irrelevant.

5 THE COURT: Well, it's a follow-up. I'll receive it,
6 subject to the objection.

7 A. The problem with apes, as with humans, if you're going to be
8 in a different environment, you need family and you need a
9 tribe. An ape put out in the wild alone, no ape is going to be
10 survived that way. So it really wasn't her human rearing that
11 caused her failure to survive in the wild. It was her lack of
12 exposure to other chimpanzees that caused her failure to be able
13 to integrate into a culture or another group of chimpanzees.

14 BY MR. MILLER:

15 Q. You'd acknowledge that the use of personal protective
16 equipment -- or the lack of use of it can expose the bonobos to
17 disease, correct?

18 A. If there's someone with a disease around them, yes.

19 Q. Right. So if you're going to have an individual or a human
20 in contact with an ape, there should be personal protective
21 equipment?

22 A. It depends on whether that person is ill or not. As I
23 explained, the rearing involves a very familial like situation.
24 If you -- I didn't wear personal protective equipment with my
25 son, Shane, who is sitting there in the back. I didn't wear

1 personal protective equipment with Kanzi or with Nyota or with
2 Teco, and all three of them are alive and here today and well.

3 Q. And I think you were testifying earlier that one part of
4 your research trajectory is not using masks and gloves or
5 personal protective equipment?

6 A. Not for everyone. In a familial situation where you're
7 sharing the same biome, the same skin biome, you're sharing
8 food, in a familial situation, there's enough sharing and
9 immunology developed that apes and human children can be quite
10 healthy. Human children often experience problems, for example,
11 when they first start in a nursery, they might be fine, but they
12 start in public school or a nursery and they experience
13 problems.

14 One of the problems we experienced was that
15 Dr. Gilmore brought her young daughter who was just in nursery
16 school and allowed her young daughter to interact with Teco
17 without -- even when she knew that the daughter was ill and even
18 when I objected to that. So you can have a problem, but you
19 have to be -- you have to use good common sense the way you
20 would with your own children.

21 Q. And Governor Branstad, in fact, even interacted with Teco
22 when you were together with him when he was ill?

23 A. With Dr. Gilmore's permission.

24 Q. All right.

25 A. I don't know whether Governor Branstad was ill or not, but I

1 did not make those decisions.

2 Q. And this was during the time that you were executive
3 director?

4 A. Whether I was executive director or not, all decisions about
5 who could interact and the health and welfare of the bonobos
6 were made by Dr. Gilmore and I would not countermand those.

7 Q. And I think you also testified you believe as part of your
8 research trajectory that there be direct contact with the
9 bonobos, is that correct?

10 A. Would you repeat the question?

11 Q. It's important to your research trajectory that there be
12 direct contact between humans and the bonobos?

13 A. With certain people; not all people, not the general public.
14 The same as you would do with your child, except when the
15 bonobos get to be three or 4, five, you can't send them to
16 public school. You can't really improve their immunology. So
17 you really have to be careful because they're going to have a
18 more restricted immunological profile than say your son or
19 daughter would.

20 Q. And so you would decide who could meet or be directly in
21 contact with the bonobo and who wouldn't be?

22 MR. STAMBAUGH: Objection; misstates the testimony.

23 THE COURT: I'll receive it, subject to the objection.

24 A. You always have to make that decision just as you do with
25 your children or your pets. It's nothing unusual.

1 BY MR. MILLER:

2 Q. Bonobos are certainly -- they're capable of inflicting harm
3 to people, to humans, correct?

4 A. Humans are far more capable than bonobos of inflicting harm
5 on other humans and do so far more often.

6 Q. But you would agree with me that the bonobos are capable of
7 inflicting harm on humans?

8 A. They are capable of it.

9 Q. And other animals?

10 A. They are capable of it.

11 Q. All right. In fact, you've witnessed circumstances where
12 somebody was injured by a bonobo, correct?

13 A. Yes.

14 Q. Bonobos have bitten other individuals in your presence, for
15 instance?

16 A. In bonobo society, biting is a way of disciplining just like
17 spanking is a way of disciplining sometimes in human societies.
18 In other human societies, cutting off a finger is a way of
19 disciplining. Bonobos have a cultural pattern of biting, but
20 that can be changed. They don't do that just because they're a
21 bonobo. They do that because they're a cultural being.

22 Q. In spring 2013, you got hurt, you went back to New Jersey,
23 correct?

24 A. I didn't get hurt and go back to New Jersey. I got hurt and
25 I stayed there quite awhile. I had constant interchange with

1 Gaila and Liz who was working there every day. I knew -- I was
2 asked to help find a successor, and I knew they wanted to have
3 funding from the Federal Sanctuary System, so I met with George
4 Caudill, and I told him if we were going to talk about getting
5 assistance, I needed to go back and talk with Duane because
6 Duane started the whole project. So I went back to discuss what
7 they asked me to discuss, which was to bring a successor for the
8 future, and George -- I went with his blessing.

9 Q. I mean, that visit with Duane, Dr. Rumbaugh, was in New
10 Jersey, correct?

11 A. He lives in New Jersey, so I had to go there to talk with
12 him.

13 Q. Right. You were there for a matter of weeks or months even?

14 A. A couple of months. I hadn't visited him in three or 4
15 years since Teco was born.

16 Q. And you went through periods of time when you have been here
17 in Des Moines where you're not engaged in research or in the
18 operations of the facility, correct?

19 A. I don't think there's been any time where I haven't been
20 cognizant and concerned about the operations of the facility,
21 writing e-mails on safety procedures, asking everybody what's
22 going on, providing any assistance or help I could; but there
23 have been times where I was injured. I had a cracked wrist, I
24 had a cracked ankle. I worked at the facility straight through
25 those. I've had some infections, and I've worked at the

1 facility straight through those. I was working 24/7. I was
2 working very long and very hard hours, and there have been times
3 where I've needed to get away from the facility where -- as when
4 I fell and hit my head, and many of those times people have
5 wanted me back at the facility. And I'm glad they do, I'm glad
6 they felt that I was valuable; but it was very clear to me, even
7 before Teco was born and I took on the obligation of rearing him
8 because his mother was having difficulty, that I needed more
9 help. I certainly had more help in Atlanta the whole time I was
10 rearing Kanzi or Panbanisha or Nyota.

11 Q. So in 2012 you took over as executive director for a period
12 of time?

13 A. I'm not really sure if Dr. Schweller gave me that title or
14 not.

15 Q. I think that's what you testified to earlier, and the record
16 will reflect what it does; but you certainly also testified that
17 there was a period of time when you took care of all of the
18 administrative functions. Do you recall that?

19 A. Yes.

20 Q. All right. Okay. And during that time Mr. Stambaugh asked
21 you questions about the fact that you were a registered agent
22 for IPLS. Do you recall that?

23 A. Yes.

24 Q. And you --

25 A. And I would just like to say I took over all administrative

1 functions in the lab at the time. Dr. Schweller was taking over
2 as many as he was willing to take. I wasn't grabbing them.

3 Q. But you understood that you were the registered agent for
4 the organization?

5 A. I didn't know what registered agent meant at that time. I
6 had no idea.

7 Q. All right. I want to go ahead and look at Exhibit 1004.
8 Dr. Rumbaugh, if you would find it in front of you. It's in a
9 notebook that's in front of you, plaintiffs' exhibits. It
10 should be right in front.

11 A. You want me to look in the book?

12 Q. Yes.

13 A. What number is it?

14 Q. 1004.

15 A. Is it in this smaller one?

16 Q. Yes, ma'am.

17 A. Okay. I have it.

18 Q. And that's a statement of change of registered agent or
19 registered agent form.

20 Do you see that there?

21 A. Yes.

22 Q. Okay. And is that your signature at the bottom of that
23 page?

24 A. Yes, it is.

25 Q. As executive director?

1 A. That's written under my name. I can't tell you that that
2 was on there when I signed it.

3 Q. You did sign this document, right?

4 A. I did sign this document, yes.

5 MR. MILLER: All right. Your Honor, we offer Exhibit
6 1004.

7 (Plaintiffs' Exhibit 1004 was
8 offered in evidence.)

9 MR. STAMBAUGH: Your Honor, we renew our objections as
10 in the pretrial order; relevance, authentication; 1005; copy of
11 public record conditions not satisfied.

12 THE COURT: Exhibit 1004 is received, subject to that
13 objection.

14 (Plaintiffs' Exhibit 1004 was
15 received in evidence.)

16 MR. MILLER: Your Honor, may I publish 1004?

17 THE COURT: Yes.

18 MR. MILLER: Your Honor, just for the record and to
19 make a little record with respect to 1004, I have a copy here
20 that I offered and would give to the court attendant at the end
21 of this testimony that has an authentication or certification
22 from the Secretary of State that I think will resolve some of
23 the issues; but we don't have that copy for your file, excuse
24 me.

25 THE COURT: Is it part of the official record?

1 MR. MILLER: Well, I'm holding that copy here, but I
2 guess it's -- a copy is in the binder, and I would switch it out
3 if that's -- when they raised the objection, we got a certified
4 copy to try and resolve those issues.

5 THE COURT: Well, you can switch it out; but I
6 think -- I assume that the exhibits before the witnesses are the
7 official court record --

8 MR. MILLER: I apologize.

9 THE COURT: -- or would be the original exhibits. Do
10 we all understand that? Yes?

11 MR. STAMBAUGH: Yes.

12 MR. MILLER: Yes.

13 THE COURT: So if you want to change the official
14 exhibit, you can. I don't need it, but you can do it if you
15 want to.

16 MR. MILLER: Okay. I appreciate that, Your Honor. I
17 didn't have this handy when I put that up there at the desk, at
18 the witness box today, so I'm sorry.

19 BY MR. MILLER:

20 Q. Dr. Rumbaugh, if you would again refer back to 1004, I think
21 I just would ask you if this is your signature here at the top
22 of that page, is that correct?

23 A. Yes.

24 Q. Okay. And I think you testified earlier this was provided
25 to you to sign by Ms. McKee, correct?

1 A. That's my recollection.

2 Q. But you did review it and sign it for her?

3 A. I don't -- I just signed it because she asked me to, to do
4 it. I didn't really understand what the implications of it were
5 and I didn't really know why she was asking me to sign it.

6 Q. You would have received mail for Great Ape Trust at the
7 address reflected on this 1004, correct, the 4200 Southeast
8 44th?

9 A. Yes.

10 Q. Okay. So that's a correct address for the organization?

11 A. That's a correct address.

12 Q. And you don't deny that you never filed a biennial report?
13 I think Mr. Stambaugh asked you about that earlier.

14 A. When Lyle Simpson took over as the legal counsel, he told me
15 he would handle all of those things for BHI and IPLS, so I never
16 had any indication from either Susan McKee or Lyle Simpson that
17 that was my responsibility, and I had not really handled a
18 nonprofit before and Lyle was handling BHI for me and he filed
19 the reports for BHI, so I had no reason to suspect that he would
20 not handle the reports for IPLS.

21 Q. Well, did you give him this document when it came in?

22 A. Lyle wasn't the legal counsel when this document came in.
23 Jaki Samuelson was still the legal counsel at that time.

24 Q. I'm sorry, I misheard you. Who was that?

25 A. Jaki Samuelson.

1 Q. Okay. Did you give it to Ms. Samuelson?

2 A. I gave it to Susan McKee.

3 Q. Okay.

4 A. She took it. I don't know what she did with it.

5 Q. You later tried to reinstate the IPLS entity, is that
6 correct?

7 A. No. I didn't even -- I mean, Lyle tried to; I didn't. I'm
8 not a lawyer. Unless a lawyer is there to explain these things
9 to me, I have no knowledge, I don't know what to do.

10 Q. I'm going to show you Exhibit 39. Can you find that in the
11 bigger notebook behind you?

12 A. 39?

13 Q. Or you can look right behind you actually.

14 A. Oh, okay.

15 Q. That's a document -- do you see that at the top --
16 application for reinstatement?

17 A. Yes.

18 Q. And it says the name of the business entity, the date of
19 administrative dissolution of the Iowa Primate Learning
20 Sanctuary. Do you see that there?

21 A. Yes.

22 Q. And that's your signature at the bottom on November 6, 2013,
23 correct?

24 A. I don't recall signing that document on November 6, 2013.

25 That would have been right before I came -- or I guess as I came

1 back to take care of Teco.

2 Q. Right. You don't deny you signed this on that date?

3 A. If Lyle asked me to sign the document, I probably would have
4 done what Lyle asked because I really believed he was operating
5 in my best interests until I had a source to conclude otherwise.

6 Q. Okay. Let's talk about Lyle. Lyle is not a board member of
7 IPLS, correct?

8 A. No, sir.

9 Q. Or BHI?

10 A. No, sir.

11 Q. To your knowledge, of ACCI?

12 A. No, sir.

13 Q. Of any organization?

14 A. I've invited him to be a board member of those
15 organizations, but he's turned me down.

16 Q. Politely declined I assume?

17 A. Yes.

18 Q. Now, I think you just said, if I understand you correctly,
19 at some point in time, you became concerned about the advice you
20 received; is that accurate?

21 A. After I was removed from the building and told to leave town
22 and that I would never see the bonobos again, I did become
23 concerned; but Duane encouraged me not to cause a problem, to
24 follow Lyle's advice, to not explain any of this to the BHI
25 board and to work with Lyle, that somehow, some way if we worked

1 with Lyle we would work these things out. So I continued to
2 work with Lyle to try to do that until such point as Lyle told
3 me to leave his office and contact a lawyer. And right before I
4 was told that, I finally concluded that what was happening was
5 simply wrong, and I turned to him and I said, Lyle, you have
6 tricked the Bonobo Hope science board, and I don't appreciate
7 it. And Lyle asked me to leave his office and get a lawyer.

8 Q. Okay. So you said you came to this conclusion and concern
9 when you were removed in November 2013, correct?

10 A. Correct.

11 Q. You kept talking to Lyle after that?

12 A. Yes, I did to try and resolve it. I thought Lyle didn't
13 understand the situation because George Caudill told me that I
14 was removed because I wrote an e-mail to Jared, and in that
15 e-mail I asked Jared if chimpanzees were coming soon to the
16 facility because Jared and I had discussed the chimpanzees from
17 Yerkes might come; but Jared had indicated that there were big
18 hurdles to those chimpanzees coming. At that time Jared didn't
19 tell me that the hurdle was me and I had no idea that the hurdle
20 was me. I thought six to seven chimpanzees were coming, and I
21 thought it would be some time before they arrived. I was told
22 that they were arriving very soon, there could be as many as 30
23 and that I needed --

24 Q. I don't want to interrupt you, I apologize, but I think
25 we're getting a little off course.

1 What I would like to understand is November of 2013
2 you say I'm distrustful of Lyle; is that what you're saying?

3 MR. STAMBAUGH: I'm going to object as argumentative
4 and request that the court allow the witness to finish her
5 answer.

6 THE COURT: Oh, I think it was time for another
7 question, and your objection to the current question is -- I'll
8 receive it, subject to the objection.

9 Do you recall the question?

10 Why don't we get a fresh start.

11 BY MR. MILLER:

12 Q. Okay. When you're removed, when you're asked to leave in
13 2013, November of 2013, your testimony is you became concerned
14 about Lyle's advice?

15 A. Lyle was concerned that I had written an e-mail to my
16 potential successor, and he threw me out because I wrote an
17 e-mail to my potential successor. That's what I was told why I
18 was being thrown out. I was concerned, and I went to discuss
19 that with him.

20 Q. Right. Several months later you went to discuss that with
21 him?

22 A. No, no. I went and discussed it with him immediately.

23 Q. Okay. Did you fire him?

24 A. Fire Lyle?

25 Q. Right.

1 A. No, I didn't fire Lyle. Duane's advice was to work with
2 Lyle, Lyle is our friend and to try and work with Lyle, and Lyle
3 had been a friend and that the best thing to do was to try to
4 talk with him.

5 Q. And I think you testified Lyle was Bonobo Hope's lawyer?

6 A. Lyle was the lawyer for Bonobo Hope.

7 Q. And did Bonobo Hope fire him?

8 A. I was given explicit instructions by George and Lyle not to
9 tell anyone on Bonobo Hope what had happened. It was indicated
10 to me that Lyle and George were lawyers and I wasn't and I could
11 be put in jail, many bad things could happen to me. And Duane
12 and I were both very frightened, and Lyle had been a longtime
13 friend and we tried to work it out with him until such time as I
14 was told to get out of his office and get a lawyer.

15 Q. By working it out, did that mean continuing to write e-mails
16 to Lyle for the next several months?

17 A. It meant talking with Lyle and explaining to him that I had
18 not violated any particular rule or regulation that he or George
19 had laid down because I wrote an e-mail to Jared, I should be
20 able to write an e-mail to Jared and to discuss whether
21 chimpanzees were coming to the lab or not. I see absolutely
22 nothing illegal or wrong with that. And I was told I could no
23 longer communicate with Jared, with Bill, with George, with the
24 board, with anyone or with anyone in the lab, no one on the
25 staff, not my sister, not my niece, not my family, I had to sit

1 there and be quiet and the best thing to do was to get out of
2 town.

3 Q. Now, at that time you were -- actually you were out of town,
4 right?

5 A. No. I'm in Des Moines. I've just been kicked out of the
6 lab and Teco was ill and I'm very concerned about him, and I was
7 writing a few members of the board, against Lyle's objection,
8 explaining to them that we had a little bit of a problem, but I
9 thought I would resolve it with Lyle.

10 Q. Okay. So you're writing e-mails even though you supposedly
11 were told not to?

12 A. I didn't write e-mails and explain everything that was going
13 on, but I did indicate that we had some kind of issue as regards
14 Teco.

15 Q. If you have a problem, you never stopped from e-mailing
16 somebody relating to one of these issues, correct?

17 A. I stopped sending e-mails in March when George took over and
18 told me that any e-mail I sent to the Bonobo Hope board needed
19 to be reviewed by him. I thought that was wrong. I sent far,
20 far fewer e-mails to the board from that point on until I was
21 asked to step out of Lyle's office. I was in a legal gray area.
22 I was working with two lawyers. They were in charge of the
23 facility and I did not understand what was happening.

24 Q. Now, you have these concerns apparently with Mr. Simpson.
25 You would have reviewed documents that he gave you and asked to

1 sign before you signed them, correct?

2 A. Would you rephrase that?

3 Q. Sure. Notwithstanding your concerns with Mr. Simpson or
4 perhaps because of those concerns, if he gave you a document and
5 said, I need you to review and sign this, you would have done
6 that? You would have reviewed that document before you would
7 have signed it, correct?

8 A. I believe I arrived in Iowa to take care of Teco on the 5th
9 of November or the 4th of November, and I believe that I was
10 thrown out on the 10th of November. And I did meet with Lyle,
11 had dinner with Lyle. He took me to the Wakonda Country Club,
12 and at that point he told everyone at the country club the most
13 wonderful things he could tell them about me, probably around
14 November 6th or around that time. I had no idea Lyle would kick
15 me out of the facility. He couldn't say good enough things
16 about me when he was buying my meal. He had been my longtime
17 friend, and he had written to everyone about the research. I
18 had no reason not to trust Lyle.

19 Q. But what I'm asking is, if you had a document that Lyle
20 asked you to review and sign, you would have reviewed it before
21 you signed it, correct?

22 A. I wouldn't have reviewed it with the idea that Lyle might be
23 asking me to do something that I should not do. I mean, if he
24 tells me, we need this signed for IPLS, yes, I would have signed
25 it for Lyle at that time. I wouldn't have reviewed it and said,

1 what about this, what about this, are you going to stick with
2 the settlement agreements, are you going to throw me out. I
3 would have never even thought to do that.

4 Q. About that dinner at the Wakonda Club, you were actually
5 back and had Thanksgiving dinner with them, correct?

6 A. No. Thanksgiving dinner was later. I was back to take care
7 of Teco, and Lyle asked me to take an evening off, and I got my
8 sister to come in and take care of Teco, and I went to dinner
9 with Lyle at the Wakonda Country Club.

10 Q. What I'm asking, if I understand your testimony, so
11 November 6th, or thereabouts, you have dinner with Lyle at
12 Wakonda, correct?

13 A. It could have been the 7th. I don't --

14 Q. Okay. And then you're asked to leave, and you leave on the
15 9th, is that correct?

16 A. I wasn't asked to leave by Lyle at the dinner. I was asked
17 to leave on the 9th or 10th by George.

18 Q. Yeah, I appreciate that, Dr. Sue. I understand you
19 weren't -- but on November 9th or 10th is when you were asked to
20 leave and you leave, correct?

21 A. Correct.

22 MR. STAMBAUGH: Objection; argumentative.

23 THE COURT: Overruled.

24 BY MR. MILLER:

25 Q. And then, despite this betrayal and this deception that

1 you've been talking about, you come back a couple of weeks later
2 and you have Thanksgiving dinner with Lyle and George, correct?

3 MR. STAMBAUGH: Same objection.

4 A. George --

5 THE COURT: Overruled.

6 A. George wrote me and talked to me and said, Sue, this is
7 going to be the last time you're ever going to see the bonobos
8 in your life, and I feel that I need to do something in order to
9 allow you to say good-bye. If I allow you to come to the
10 facility, will you leave, you know, at the appropriate time, and
11 do you understand that this is the last time you'll ever see the
12 bonobos? I didn't agree that it was the last time I would ever
13 see the bonobos, and I said, I don't agree to that; but yes, I
14 will come to the facility and I will spend Thanksgiving dinner
15 with the bonobos and thank you very much for giving me that
16 opportunity, George.

17 Q. Right. Again, that's a couple of weeks after this supposed
18 event, the betrayal and all of that?

19 A. But I had been talking with George and Lyle every single day
20 from the point I was out complaining about the problem at every
21 point they would allow me to discuss it.

22 Q. When you came in to deal with Teco there in November, you
23 came in unannounced?

24 A. No. That's not true. I wrote to people. I wrote to Julie
25 Gilmore, and Heather knew I was coming and one other person knew

1 I was coming.

2 Q. You came in and you had called meetings with staff and
3 volunteers?

4 A. I did not.

5 Q. Okay.

6 A. At one point George Caudill asked to see me, and I asked,
7 will any of the volunteers be able to take Teco or will Heather
8 or Liz be able to take Teco, and I asked the people to get
9 together so that I could make sure that Teco's coverage was --
10 somebody was there to take care of Teco while I went to see
11 George, and that was called as me getting the volunteers
12 together and trying to organize them and gather them. That was
13 not it at all. Because I was asked to meet George, I had to be
14 responsible and find somebody to take care of Teco, who was ill,
15 until I could come back.

16 And when George asked me to meet with him, which was
17 on a Saturday morning, he had me go to the Caribou coffee shop
18 and stay there the entire day waiting for him and then he still
19 didn't show up, and then he said he would meet with me the next
20 morning and I had to get somebody else to cover, and he didn't
21 meet with me then either.

22 Q. And, again, this is when you come back to take care of Teco?

23 A. Yes.

24 Q. And by this point in time, you had gone back to New Jersey?

25 A. I'm not sure what point in time you're referencing.

1 Q. I apologize. Where were you there in -- where did you come
2 from to take care of Teco?

3 A. I came from New Jersey where I had gone to talk to Duane.
4 Duane and I had talked to Jared over the phone, and we had
5 written the letters at Lyle's request and we were doing
6 everything we could to facilitate the transfer the way Lyle had
7 laid it out, which was a three- to 4-year transition with Sue
8 and Jared co-directing the center and unfettered access to the
9 bonobos thereafter.

10 Q. Okay. And after this scenario where you come in and take
11 care of Teco, it was actually Dr. Gilmore talked to you and
12 said, Sue, we need you to leave, correct?

13 A. No. Dr. -- Mr. Caudill wrote me the letter, the document
14 that you showed up there.

15 Q. And that was followed by a meeting with Dr. Gilmore where
16 she asked, you need to go, and you said, I'm going to go?

17 A. There were many other e-mails from Caudill. I don't know if
18 you've seen them or not. There were other e-mails from Lyle.
19 There were phone calls from Lyle. I kept implying that no one
20 had come forward to take care of Teco and, in fact, until Liz
21 was rested up, she really was not able to come forward and take
22 care of Teco.

23 At one point George or someone sent Julie Gilmore in
24 to ask me to leave. I was already -- I had already agreed to
25 leave because I had been ordered out of the facility by the

1 legal counsel and the chair of the board, and I was -- it was
2 intimated that, you know, the authorities would come and remove
3 me from the facility. I wasn't trying to grandstand.

4 And Dr. Gilmore came, and I was preparing things,
5 getting my stuff together so that I could leave. And my sister,
6 Liz, went over and started to talk to Dr. Gilmore and asked
7 about why I was being forced to leave, and Dr. Gilmore turned to
8 my sister and said, Liz, this isn't about anything other than
9 money. This isn't about Sue and Teco or their relationship.
10 This is only about money.

11 And at that point Teco got very upset and threw
12 himself on the floor and started having a temper tantrum and
13 slapping himself all over, and my sister felt he went into a
14 very traumatic event; but I left as I was ordered to do by Lyle,
15 Steve Boers, Julie Gilmore, and George Caudill.

16 Q. Okay. So apparently Julie said something about it being the
17 money; is that what you said?

18 A. That's what I was told.

19 Q. Okay. And you, obviously, brought that up with Caudill and
20 Simpson when you came back for that Thanksgiving dinner?

21 A. They weren't there when I went to the Thanksgiving dinner.
22 The Thanksgiving dinner was to be had with the bonobos in the
23 lab. It was a private family affair. People from my family
24 could go, Duane could go, Heather could go, Liz could go. The
25 pan/homo people could go. No one outside the pan/home group was

1 allowed. It was the Thanksgiving dinner that we would have had
2 with George. We had it with the bonobo family instead. And I
3 had not left -- between the time I was kicked out on the 10th
4 and the 15th, I had not left Iowa.

5 Q. Sitting here today, you have no direct evidence yourself of
6 ACCI's current operations, correct?

7 A. I have not been allowed in the facility.

8 Q. Anything that you believe is occurring there, you've heard
9 from others?

10 A. I've seen videos.

11 Q. Okay. What videos have you seen?

12 A. I've seen videos on television and I saw a video taken by
13 Sheila a couple of weeks ago at the bike event.

14 Q. Okay. And Sheila is your counsel?

15 A. Yes.

16 Q. Okay. And what were the other videos, I'm sorry, you saw on
17 television?

18 A. I saw videos on television not long after Matata died that
19 were made by ACCI.

20 Q. Okay. You followed and watched documentaries of the like?

21 A. Pardon?

22 Q. You've been watching documentaries or videos or something
23 like that; is that -- I'm just trying to understand what you're
24 referring to.

25 A. I do watch documentaries, but it's not because I watch

1 documentaries or follow videos that I saw the video of Nyota on
2 television. It was a newscast.

3 Q. Okay. And that was after Matata died?

4 A. Right after Matata died, and I've seen some video that Liz
5 has taken.

6 Q. What video did Liz take?

7 A. I don't know how to answer that question.

8 Q. Why? Why can't you answer that?

9 A. What do you mean "what video"? I don't understand the
10 syntax of your question.

11 Q. Okay. You've watched a video that your sister, Liz, a
12 volunteer at ACCI, took, correct?

13 A. Yes, I have.

14 Q. What was the video that you viewed?

15 A. There are several videos. I recall one video of Nyota that
16 she took. I have one short video of Teco that she took. I
17 don't think I've seen any videos with Kanzi.

18 Q. When did she take these videos?

19 A. I don't know.

20 Q. Did she tell anybody she was taking those videos?

21 A. Probably not.

22 Q. Did she tell the bonobos she was taking the videos?

23 A. Oh, I'm sure she would.

24 Q. And what about this video that Sheila took, what was that
25 video?

1 A. I don't understand when you say "what was that video." Do
2 you want to know what's on the video?

3 Q. Yeah.

4 A. Is that what you're asking me?

5 Q. Yes. Please describe for me what video your counsel took by
6 coming to this bike event.

7 A. She was on a bike event, and she took a video of whatever
8 she saw.

9 Q. And what does the video depict?

10 A. It depicts bonobos. It depicts outdoor cages. It depicts
11 indoor cages. It depicts people walking past with masks and
12 gloves and pushing food carts.

13 Q. It depicts the facility as it currently is?

14 A. Yes, some parts of it. I mean, I can't say that it depicts
15 the entirety of the facility as it entirely is. It exhibits
16 what's on the video.

17 Q. You asked her to go to this event, which I take it was the
18 Biking for Bonobos event about a week ago, is that right?

19 A. Yes.

20 Q. You asked her to go there and take video?

21 A. Yes.

22 Q. Why?

23 A. Because I wanted to know if the bonobos were okay.

24 Q. Now, members of Bonobo Hope have been at the facility and
25 seen the bonobos?

1 A. They had a terrible time getting into the facility.

2 Q. They've been at the facility and seen the bonobos within the
3 past couple of months, correct?

4 MR. STAMBAUGH: Objection; compound and misstates the
5 evidence.

6 THE COURT: I'll receive it, subject to the objection.

7 A. Members of the Bonobo Hope board have asked and asked and
8 asked and been turned down, turned down and turned down. Derek
9 Wildman was able to spend -- the only BHI member that's been
10 allowed to go is the one that's on ACCI's board as well as the
11 BHI board, and he was allowed to go to the facility.

12 BY MR. MILLER:

13 Q. Okay. He's a Bonobo Hope member, he was there at the
14 facility, he observed the bonobos, correct?

15 A. Yes.

16 Q. And that was within the past couple of months?

17 A. Yes.

18 Q. Still you thought, boy, I've got to have my lawyer go out
19 and take video of these people?

20 MR. STAMBAUGH: Objection; argumentative,
21 inappropriate.

22 THE COURT: That is argumentative.

23 MR. MILLER: I withdraw the question.

24 BY MR. MILLER:

25 Q. You suggested bringing chimps into the facility as part of

1 the operation of the Great Ape Trust in the past, correct?

2 A. Would you state the question again?

3 Q. Sure. You, yourself, Dr. Rumbaugh, suggested or supported
4 bringing chimps to the facility, correct?

5 A. Yes, I did, and so did the BHI board. We voted on that.

6 Q. And you have no objection to chimps coming at this time?

7 A. At that time I did not have the flood report.

8 Q. Now, because of this flood report that you've got, you say
9 no, no chimps?

10 A. I think unless there's a way to move apes really easily and
11 quickly because the water rises so fast, it's just not possible
12 to do because the access to the building can be shut off very,
13 very rapidly. I think you would need a tunnel going from that
14 low area over to the high area on the other side. You would
15 have to buy some land on the other side, and if you could do
16 that and they had a way to move quickly, I wouldn't object to
17 it; but under the current circumstances, I think that their
18 lives would be in jeopardy at some point.

19 Q. I skipped over one thing, Dr. Sue, I want to go back over
20 with you. In front of you in the small binder there's an
21 Exhibit 1005. Can you find that for me?

22 A. Yes.

23 Q. Do you have that there in front of you?

24 A. Yes, I do.

25 Q. Do you agree with me that that's an e-mail that you wrote

1 Mr. Caudill with a cc to several individuals, including
2 Dr. Taglialatela, Mr. Roffman, your sister, Dr. Wildman,
3 Dr. Dubreuil, correct?

4 A. That's correct.

5 Q. In fact, there are others listed there, correct?

6 A. Yes.

7 Q. And that's an e-mail you wrote on October 26, 2013?

8 A. Yes.

9 Q. Re: Iowa Primate Learning Sanctuary, correct?

10 A. Yes.

11 Q. And this e-mail you're sending to the board members of IPLS
12 and Bonobo Hope, correct?

13 A. Yes.

14 MR. MILLER: Offer Exhibit 1005, Your Honor.

15 (Plaintiffs' Exhibit 1005 was
16 offered in evidence.)

17 MR. STAMBAUGH: Just renew our objections in the
18 pretrial order; foundation and hearsay, Your Honor.

19 THE COURT: The Exhibit 1005 is received, subject to
20 the objection.

21 (Plaintiffs' Exhibit 1005 was
22 received in evidence.)

23 BY MR. MILLER:

24 Q. If you would bear with me one second. I have a lot of paper
25 in front of me.

1 A. Sure.

2 MR. MILLER: Your Honor, may we publish Exhibit 1005?

3 THE COURT: You may. But as I'm looking at it, it is
4 an e-mail string, isn't it?

5 MR. MILLER: An e-mail string, Your Honor.

6 BY MR. MILLER:

7 Q. In fact, just to be clear, Dr. Sue, if you go through it, in
8 the bottom right-hand corner of that document there's page
9 numbers.

10 Do you see that?

11 A. Yes.

12 Q. If you look at page 4, that's a response from Mr. Roffman,
13 Ph.D. student, correct?

14 A. Yes.

15 Q. "I fully support Sue letter."

16 A. Yes.

17 Q. Do you see that?

18 And from page 5 is from Dr. Dubreuil?

19 A. Yes.

20 Q. "I want to express my very strong support."

21 Do you see that?

22 A. Yes.

23 Q. And then page 6, "I fully support the transition that Sue
24 recommends."

25 Do you see that there?

1 A. Yes.

2 Q. Again, from Bonobo Hope board members, is that correct?

3 A. Yes.

4 Q. Okay. Let's go back to page 1. Why don't you read along
5 with me because this first e-mail, the first line says, "I am
6 writing to each of you to strongly support and to
7 enthusiastically endorse Jared Taglialatela and Bill Hopkins."

8 Do you see that there?

9 A. Yes.

10 Q. And this is an e-mail that you wrote, correct?

11 A. Yes, yes, sir.

12 Q. "It is my hope that they will find a means of working with
13 the bonobos and of facilitating the transition from the current
14 operational status to one that is sustainable for the long term,
15 along with the necessary structural transitions," correct?

16 A. Yes.

17 Q. All right. And you meant that when you wrote that e-mail,
18 correct?

19 A. I had no idea that they would dissolve the BHI board,
20 appoint their own advisory board that has no voting power and
21 remove me from the lab.

22 Q. Okay.

23 A. I would have never supported them under those circumstances.

24 Q. Okay. You say further on there in the fourth paragraph,
25 "They," Dr. Taglialatela and Dr. Hopkins, "can be of far more

1 benefit to the center and can do far more than I can do in many
2 fields," is that correct?

3 A. That's correct.

4 Q. And you believed that then?

5 A. I have not changed that. They have expertise that I don't
6 have, but I have expertise that they really need.

7 Q. Okay. Well, in fact, you go on to say in the next
8 paragraph, "They," Taglialatela and Hopkins, "can do hands on
9 research, observational research, computer based tasks,
10 neurological research, social and communicative comparisons,
11 etc."

12 Do you see that there?

13 A. Yes.

14 Q. Okay. So you understood that's what they would be doing
15 when they came in?

16 A. No. I mean, I assumed they would be doing hands on
17 interaction with the bonobos, but they have declined to do that.
18 At least at the meeting in June, they declined to do it and to
19 do it without any assistance and without any continuation of the
20 pan/homo family is not a continuation of the research
21 trajectory.

22 Q. Right. That's the research trajectory that you described in
23 that paragraph that you drafted in the supplemental and
24 settlement agreement that you discussed earlier, correct?

25 A. That's correct.

1 Q. If you look at the second page of this exhibit, the fourth
2 paragraph down, the last sentence, "It became increasingly clear
3 that the best thing I could do to improve the chances for IPLS
4 funding and to decrease the level of objections going to the
5 USDA about IPLS would be to absent myself from the lab," correct?

6 A. Fourth paragraph down?

7 Q. Right.

8 A. The fourth paragraph starts with, "I supervised both for a
9 time" --

10 Q. No. I'm sorry, I may have lost you there. I'm looking at
11 the second page of that exhibit, the last sentence of the fourth
12 paragraph.

13 A. Yes, okay.

14 Q. And it did become increasingly clear to you that the best
15 thing for you to do would be to absent yourself from the lab,
16 correct?

17 A. Well, I had discussed with Jared absenting myself from the
18 lab for about two months while they -- I simply would be there
19 full time for two months and come in and sort of take charge,
20 and then I would give them the opportunity for the publicity and
21 that I would work in the background and be helpful to them. I
22 knew Jared couldn't be there very much. He had told me that.

23 So we had had numerous discussions on the phone about
24 what my assumptions were, and they were not at all what happened
25 once Jared and Bill were voted on the board.

1 Q. Yes. Let's talk about that whole prospect of them and the
2 amount of time they would spend there. In this e-mail you say
3 you fully acknowledge that the center is equipped with computer
4 connections and cameras that can enable them to monitor all
5 aspects of the operation and to communicate with anyone at any
6 time should they need to do so, correct?

7 A. Yes. If Jared wasn't going to be there, I would hope he
8 would be able to monitor with cameras at all times, but that
9 doesn't mean that he can do something about Teco if he's ill.
10 He can call me if I don't know and I can come in and help him.
11 If a bonobo has escaped, if we need to have the bonobos going
12 out on walks or doing things in the caves or making fire or
13 things that would continue the research trajectory, he could
14 monitor those over the video, but that doesn't mean you can do
15 them over the video.

16 Q. Well, that may be, but certainly you would have staff or
17 volunteers that you could have to do that type of work, right?

18 A. No, that wasn't the case.

19 Q. Okay.

20 A. It takes people many years to learn how to do that, to
21 establish that long term kind of relationship that can go in and
22 do that, sometimes 4, five, six years.

23 Q. Many years like Heather, correct?

24 A. Heather was born into the group.

25 Q. Right. And Heather is still working at the facility at this

1 time, correct?

2 A. At the time we wrote this letter, Heather was at the
3 facility and Liz was at the facility and I was planning to be
4 returned to the facility.

5 Q. You were going to leave the operation in the hands of Jared
6 and Bill and you knew that Liz and Heather were at the facility?

7 A. That wasn't my intent, no.

8 MR. STAMBAUGH: Objection to this testimony and --

9 THE WITNESS: That was never my intent.

10 THE COURT: Just a moment. Now the record is all
11 messed up. Ask your question again.

12 BY MR. MILLER:

13 Q. When you wrote this e-mail, you knew Heather and Liz
14 continued to work at the facility, correct?

15 A. Yes, they did.

16 Q. And if you continue on that second page, at the very bottom
17 paragraph, you acknowledge -- and this is an e-mail again you're
18 sending the Bonobo Hope board -- "While Jared and Bill are
19 familiar with language work, their focus is on investigating the
20 effects of language acquisition as well as comparing and
21 contrasting bonobos and chimpanzees."

22 Do you see that sentence?

23 A. Which page?

24 Q. Bottom of the second page, Exhibit 1005.

25 A. Yes.

1 Q. You see that there?

2 A. Yes.

3 Q. And, in fact, you say, "This is appropriate and the
4 direction that should now be taken"?

5 A. Yes, within the research trajectory, within the oversight of
6 the Bonobo Hope board was to make sure that across time no drift
7 occurred. The Bonobo Hope board wasn't to be dissolved even if
8 I had dropped dead at that moment.

9 Q. Okay. I mean, you even say in this e-mail to Bonobo Hope,
10 "They," Taglialatela and Hopkins, "must be able to control all
11 aspects of their program, for the lives of bonobos cannot be
12 separated from the success of the research."

13 Do you see that there or do you recall writing that?

14 A. I definitely recall writing that, and I would like to
15 explain why.

16 Q. Sure.

17 A. Because I had lost control of the research program once it
18 came here to a board of business people. The money determined
19 what could be done. And I told Jared on the phone that you
20 don't want to have happen to you with a business board what
21 happened to me and that's why I've set the facility the way I
22 have and that's why the science board is going to be the guiding
23 hand in the future. Jared took that to mean, oh, well, we'll
24 just kick Sue out and the science board out, and we'll take over
25 the business board and Jared and Bill will vote and we'll

1 determine the future. That wasn't my intent. I guess -- I
2 mean, I didn't think he understood it that way, but I guess he
3 did.

4 Q. Okay. Let's talk about your intent, okay? Because I think
5 earlier you said you believed you were going to have unfettered
6 access going forward.

7 A. I was repeatedly reassured by Lyle and George that that was
8 going to be the case. Before I ever even spoke with Jared on
9 the phone, we had that assurance.

10 Q. Okay. Page 3 of Exhibit 1005, can you look at that for me,
11 the top of that page?

12 A. Page 3 of 1005?

13 Q. Yes.

14 A. Okay. Yes.

15 Q. Are you there, Dr. Sue?

16 A. Yes.

17 Q. You write to the Bonobo Hope board and IPLS board, "It is my
18 hope that the coming essential transition will proceed smoothly
19 and rapidly. I also hope that, as appropriate, and under
20 Jared's direction, I will continue to do some research with the
21 bonobos" --

22 Now "under Jared's direction," right, you wrote that
23 there?

24 A. Yes, I did.

25 Q. -- "once the needed structural changes and funding are

1 firmly in place."

2 Do you see that?

3 A. Yes, I do.

4 Q. Then you finish off there, "I will do nothing to disrupt
5 this critical and necessary next step."

6 A. Yes, I do. I clearly didn't interpret the next step the way
7 that Jared did, and I did not know about the issue of Yerkes
8 placing a constraint on my presence in the lab. I assumed that
9 I would be on the IPLS board and that this kind of thing could
10 not happen because Lyle had assured me that it could not happen
11 under any stretch of the imagination.

12 MR. MILLER: No further questions, Your Honor.

13 THE COURT: Redirect?

14 MR. STAMBAUGH: Thank you, Your Honor. Just a few
15 questions.

16 REDIRECT EXAMINATION

17 BY MR. STAMBAUGH:

18 Q. Dr. Savage-Rumbaugh, I want to talk about that same exhibit
19 we were just looking at, Exhibit 1005.

20 A. Can I look at it again?

21 Q. Please. We'll also have it published.

22 A. Okay.

23 Q. Now, the last paragraph that we were just looking at, at the
24 top of this page 3 in which you made very clear that you hoped
25 to do further research with the bonobos, is that correct?

1 A. That's correct.

2 Q. Have you been able to do any further research with the
3 bonobos under Jared's direction?

4 A. No.

5 Q. To your knowledge, has anybody at Bonobo Hope Initiative
6 been able to do further research under Jared's direction with
7 the bonobos?

8 A. No.

9 Q. Mr. Miller pointed out that there are some responses to your
10 letter further on in this exhibit from an Itai Roffman?

11 A. Yes.

12 Q. And from Laurent Dubreuil?

13 A. Yes.

14 Q. To your knowledge, was Mr. Roffman aware that Yerkes had
15 made a mandate of not having you at the lab before writing their
16 response?

17 A. No. No one on the BHI board was aware of that.

18 Q. Is that the same for Professor Dubreuil?

19 A. That's the same.

20 Q. And to your knowledge, were they aware that you had been
21 banned from the lab?

22 A. No, they were not.

23 Q. Neither Mr. Roffman nor Professor Dubreuil?

24 A. That's correct. I was told by Lyle Simpson that if I
25 proceeded with this vote and it went well that I could discuss

1 this before the meeting had ended and let them know what the
2 situation was. So I agreed to that, thinking that once we
3 talked with the BHI board, perhaps we could talk about
4 rescinding the vote or putting some qualifications on it; but
5 Lyle went against his word and he did not allow me to have that
6 discussion. He cut it off with e-mails to Carmen cutting that
7 discussion off.

8 Q. This paragraph that we were just looking at at the top of
9 page 3, you wrote this to Dr. Taglialatela, correct?

10 A. That's correct.

11 Q. That you had an expectation to do further research?

12 A. Yes.

13 Q. Was it your expectation that he would read your e-mail?

14 A. Yes.

15 Q. All of the e-mail, including the expectation to do further
16 research?

17 A. Yes.

18 Q. Why did you have that expectation?

19 A. I was of the opinion that I was sort of handing over the
20 mantle of 40 years of research to a successor and Jared had
21 brought on the second successor, Bill Hopkins, who was a student
22 of mine, and I had suggested to Jared that we also need to
23 include very much Itai Roffman who has focused more than any of
24 the others on the cultural relationships of the work and also
25 Heidi because we do need other females in the work and I didn't

1 want it to become exclusively male. I thought Jared had
2 basically agreed to that, and Jared had worked with me closely
3 and well as a student, and we had continued to publish together
4 beyond that, even up to 2010, and Jared had said to me that he
5 spoke about my research in his classes, he spoke about it very
6 positively. He was very positive about continuing the working
7 relationship with me in every conversation I had with him. He
8 never indicated anything else and he never wrote me an e-mail
9 otherwise.

10 And in the field of professional scientists, if you're
11 handing the mantle over to another colleague and they don't like
12 your work and they don't intend to do it, they should at the
13 very least so inform you.

14 Q. Dr. Savage-Rumbaugh, do you know, is Liz working at the lab
15 currently?

16 A. Liz has volunteer status. I don't know whether she's able
17 to be admitted to the lab currently or not.

18 Q. Is Heather working at the lab currently?

19 A. I believe Heather has resigned.

20 Q. Do you know why?

21 A. No, I don't.

22 Q. Do you know of any BHI member other than Derek Wildman who
23 has been allowed access to the lab?

24 A. With Mr. Zifchak I was briefly allowed access to the lab,
25 and Sally Coxe was briefly allowed access in June of 2013, I

1 believe.

2 Q. Almost two years --

3 A. 2014.

4 Q. Almost a year ago?

5 A. Yes.

6 Q. Has anyone other than Derek Wildman been allowed in the last
7 year to visit the lab under Jared's direction, to your
8 knowledge?

9 A. Laurent was allowed to visit the lab maybe nine months ago.
10 I don't know exactly how long ago.

11 Q. Dr. Savage-Rumbaugh, Mr. Miller asked you some questions
12 about the flooding and relocation efforts.

13 A. Yes.

14 Q. Do you recall that discussion?

15 A. Yes.

16 Q. At some point you were presented with a relocation plan, is
17 that right?

18 A. Pardon?

19 Q. At some point there was a suggestion that the bonobos be
20 relocated, is that right?

21 A. Yes, yes.

22 Q. And you opposed that relocation, is that correct?

23 A. You're talking about the relocation that Dr. Schweller
24 proposed?

25 Q. Correct.

1 A. Yes. I opposed that, yes.

2 Q. And at the time that you opposed it, was there a viable
3 alternative option for the bonobos to be relocated consistent
4 with your research trajectory?

5 A. No. They would have had to have been sent to a zoo in
6 either Alabama or Mississippi. It wasn't even an accredited
7 ACCI zoo, and I would not have been allowed to be in with the
8 bonobos.

9 Q. Is there a viable alternative relocation plan for the
10 bonobos today to be taken out of the floodplain?

11 A. Yes.

12 MR. MILLER: Objection. Your Honor, objection. This
13 exceeds the scope of the direct testimony. We're into new
14 issues.

15 THE COURT: It probably does. If we were in a jury
16 trial, I would probably sustain that objection, but I want to
17 hear from everybody. So it's received, subject to the
18 objection.

19 MR. STAMBAUGH: Thank you, Your Honor.

20 THE COURT: Go ahead.

21 MR. MILLER: Your Honor, if I may then reserve the
22 right to cross-examine Dr. Rumbaugh if we're going to get into a
23 new issue?

24 THE COURT: Of course.

25 MR. STAMBAUGH: And that would be my only question on

1 that topic, Your Honor. I do want to follow up on the flooding.

2 BY MR. STAMBAUGH:

3 Q. Dr. Savage-Rumbaugh, at the time that you opposed the
4 relocation of the bonobos from Dr. Schweller, did you know about
5 the inability to build the bypass to the facility?

6 A. There's an ability to build the bypass. Whether or not the
7 bypass will solve the problem is the question.

8 Q. Did you know whether the bypass would solve the problem at
9 that point?

10 A. I had been informed that it would, that it would solve the
11 flooding problem.

12 Q. Has that understanding changed?

13 A. Yes, my understanding has changed.

14 Q. What is the understanding today?

15 A. That the bypass does not solve the problem and that flooding
16 is -- we're not even out of the 100-year floodplain, much less
17 out of the 500-year floodplain, and with climate change, it's
18 highly unpredictable. Even within the 100-year floodplain,
19 we've had three floods since we've moved here, three floods
20 since 2008. So I think that the bonobos are in jeopardy at that
21 site.

22 Q. After working with these animals for 40 years, do you feel
23 that they are safe staying in that floodplain today?

24 A. They are not.

25 MR. STAMBAUGH: No further questions at this time,

1 Your Honor, subject to any redirect.

2 THE COURT: Recross?

3 MR. MILLER: Thank you, Your Honor.

4 RECROSS-EXAMINATION

5 BY MR. MILLER:

6 Q. Dr. Rumbaugh, your testimony just now with respect to the
7 100-year, 500-year floodplain issue --

8 A. Yes.

9 Q. -- that's based on this report that you had prepared,
10 correct?

11 A. Yes, it is.

12 Q. This is based on an individual who's not here testifying
13 about that?

14 A. Well, on the -- it's a web site about flooding that's put
15 out by the state, I believe. You can look it up and you can
16 just add six inches of water at a time. You don't really need
17 that flood report. You can look on your computer and the state
18 shows you what will happen. It's very clear that there's a
19 problem.

20 Q. You're not an expert in flooding?

21 A. No. That's why I -- that's why I was asking if anyone could
22 get a report.

23 Q. Right. And that same type of research you're describing
24 would show you that this building is susceptible to flooding in
25 the 100-year floodplain?

1 A. I would have to look on the map and ask that. I don't think
2 my report would necessarily say that. I would have to ask the
3 engineers.

4 Q. Yeah.

5 A. The way the water is directed through Des Moines, it can be
6 rather tricky, so I -- I don't think because of my report you
7 could say that this building would also flood. I don't think
8 that follows.

9 Q. Yeah. But when you say your report, let's be abundantly
10 clear, this is a report that you had prepared in the past month
11 by some outside expert who is opining about the risk of flooding
12 at the site and the facility?

13 A. Well, I think they did a lot of research. They've worked on
14 it for quite some time and this is their job.

15 Q. No doubt that that's --

16 A. I mean, you could have another expert look and counter the
17 data, I don't know. I think that there is a real risk of
18 flooding.

19 Q. It is not your report?

20 A. I didn't put the report together, no.

21 Q. And on October 26, 2013 when you wrote this e-mail, there
22 was no being banned from the facility, correct?

23 A. On October --

24 Q. Right. Exhibit 1005 was written on October 26, 2013,
25 correct?

1 A. You're asking if I was banned from the facility?

2 Q. Right.

3 A. At this time?

4 Q. Right.

5 A. Jared had not been nominated yet.

6 Q. You just told Mr. Stambaugh that somehow some issue relating
7 to you being banned was not recorded in this e-mail that you
8 wrote or was not of general knowledge; but you agree with me
9 there's no banning as of this date, correct?

10 A. There couldn't be because BHI was still in charge of the
11 facility. I think that the banning happened when George Caudill
12 decided that I was to be removed. I was -- I had letters
13 telling me I was welcome to come back, please come back anytime.
14 The facility doesn't function without you. We need you, Sue.
15 Sue, please, please come from Lyle and George and everybody. I
16 had no idea that I would not be welcome in the facility if
17 that's your question.

18 Q. Right. Not until you came back and decided to reassert
19 yourself?

20 A. I came back to take care of Teco. I wasn't trying to
21 reinsert myself. It was always assumed that I would come back
22 and that I would continue in some capacity, and that's all I
23 did.

24 Q. Well, what you assumed, what you wrote was, I also hope that
25 as appropriate and under Jared's direction I will continue to do

1 some research with the bonobos, once the needed structural
2 changes and funding are firmly in place, correct?

3 A. That was if the board and everyone voted on his proposal.
4 At that time on October 26th, we hadn't done that yet. So
5 coming back before any of that is voted, I had still been
6 invited back and asked to come back.

7 Q. Right. And they went ahead and voted for him, correct?
8 Bonobo Hope did, right?

9 A. Yes, because I was not allowed to explain that I was not
10 being allowed in the facility.

11 Q. And, again, this is simply because you say you were told
12 that you couldn't e-mail anybody?

13 A. I was told that I could not e-mail the board and tell them
14 this or I would never see the bonobos again. I was ordered to
15 leave Des Moines. I was told that if I knew what was good for
16 me, I needed to get out of Des Moines, and that if I didn't, I
17 would end up in a situation like this and my reputation would be
18 trashed.

19 Q. And you were told that on November 9th?

20 A. I was told that after November 9th.

21 Q. Was that Thanksgiving dinner?

22 A. George was not in the lab at Thanksgiving dinner. Only the
23 bonobos and their human family were there.

24 MR. MILLER: No further questions, Your Honor.

25 THE COURT: Anything further?

1 MR. STAMBAUGH: Just a few questions, Your Honor.

2 Thank you.

3 FURTHER REDIRECT EXAMINATION

4 BY MR. STAMBAUGH:

5 Q. Dr. Savage-Rumbaugh, Mr. Miller started a minute ago talking
6 about this report of flooding. Do you have that report in mind?

7 A. Yes, I do. I'm sure it's in the court documents.

8 Q. Yes, it is. It's been marked as Exhibit 91.

9 When you sent that report to ACCI, did they respond in
10 any way?

11 A. I've had no response to the flooding report from ACCI.

12 Q. To your knowledge, have they tried to address the concerns
13 in the report in any way?

14 A. If they have, they haven't conveyed that to the Bonobo Hope
15 board.

16 MR. STAMBAUGH: Your Honor, at this time I would like
17 to move Exhibit 91 into evidence.

18 (Defendants' Exhibit 91 was
19 offered in evidence.)

20 MR. MILLER: Your Honor, we object. This is an expert
21 report that we got a month ago on a subject that's not relevant.
22 You know, this witness lacks personal knowledge. It's replete
23 with hearsay.

24 THE COURT: Why don't we -- you're going to have
25 somebody else testify about the report; yes?

1 MR. STAMBAUGH: Your Honor, we may have --

2 THE COURT: Do you have the person that prepared it
3 here to testify?

4 MR. STAMBAUGH: I don't know if we'll have the person
5 that prepared it. We would submit it under the official records
6 or public records exception of the hearsay rule; but also
7 consistent with Your Honor's advice, we would all ask that it be
8 received, subject to ACCI's objections at this time. This is a
9 report that opposing counsel spoke about at length. It's
10 clearly relevant to the issues in this case, including whether
11 or not the current facility is safe for the bonobos.

12 THE COURT: Well, I'll receive it, subject to the
13 objection. My only hesitation is as we go on, the examination
14 of this witness is becoming an hourglass rather than a funnel as
15 we go back and forth. So this is a detailed new subject area;
16 but I'll receive it, subject to the objection.

17 (Defendants' Exhibit 91 was
18 received in evidence.)

19 MR. STAMBAUGH: Thank you, Your Honor.

20 And with that, I have no further questions subject to
21 further questions or rebuttal.

22 THE COURT: Mr. Miller, any questions?

23 MR. MILLER: No, Your Honor.

24 THE COURT: All right. Thank you.

25 You may step down.

1 (Witness excused.)

2 MR. STAMBAUGH: May we call our next witness, Your
3 Honor?

4 THE COURT: Yes. We'll be taking our afternoon recess
5 in about 20 minutes.

6 MR. STAMBAUGH: Thank you, Your Honor.

7 The claimants call Dr. Laurent Dubreuil, and
8 Mr. Zifchak will be doing the examination.

9 THE CLERK: Please raise your right hand.

10 LAURENT DUBREUIL, DEFENDANTS' WITNESS, SWORN

11 THE COURT: Please be seated right there.

12 Mr. Zifchak.

13 MR. ZIFCHAK: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. ZIFCHAK:

16 Q. Good afternoon, Professor Dubreuil.

17 Would you please state your full name and business
18 address for the record.

19 A. My name is Laurent Dubreuil. My professional address is 314
20 Morrill Hall, Cornell University, Ithaca, New York.

21 THE COURT: Would you spell your name for us, please?

22 THE WITNESS: Yes, I will do that, and I will do my
23 best with my French accent. So my last name is D-U-B-R-E-U-I-L.

24 THE COURT: Thank you.

25 BY MR. ZIFCHAK:

1 Q. Professor, may I call you Laurent?

2 A. You may.

3 Q. I have a suggestion. If you sit back a little from the
4 mic --

5 A. Okay.

6 Q. -- I think we can pick up the accent just fine.

7 Is it correct that you are a professor, a tenured
8 professor at Cornell University in New York State?

9 A. It is correct.

10 Q. And is it correct that you are currently a member of the
11 board and the secretary of Bonobo Hope Initiative?

12 A. It is correct.

13 Q. You gave a deposition in this matter as the representative
14 of Bonobo Hope, correct?

15 A. Yes.

16 Q. Would you kindly summarize for the court your professional
17 background.

18 A. So I hold two doctorates from France where I studied, one is
19 in literature and the other one is in philosophy, and at Cornell
20 University I am currently a professor of romance studies, of
21 comparative literature and of cognitive science.

22 Q. Have you provided your curriculum vitae for purposes of this
23 hearing?

24 A. Yes.

25 MR. ZIFCHAK: That is Exhibit 95 in the record, Your

1 Honor. I would merely ask the witness to identify it.

2 BY MR. ZIFCHAK:

3 Q. Laurent, when did you last prepare a CV?

4 A. This CV is pretty recent, so I guess in March or April.

5 Q. Exhibit 95.

6 A. Yes, I have it all the time. I assume the date of the
7 revision is at the bottom, the last page of my vitae.

8 Q. Let's move on. We can find out.

9 A. Yes.

10 Q. What courses did you teach this past semester that you deem
11 relevant to this hearing?

12 A. So this past semester I taught a graduate seminar, a
13 research seminar that was entitled "Poetry and Mind," and it was
14 a graduate seminar presenting one of my current and new research
15 projects, combining literary theory and primitive science,
16 including experimental psychology, in order to get a better
17 appreciation of the mental experience of poetry as announced and
18 of poetry as the case for creation in general, intellectual
19 creation.

20 Q. What other responsibilities do you have in conjunction with
21 your professorship at Cornell?

22 A. So beyond the classes I teach, I am supervising
23 undergraduate students, but mostly graduate students, for their
24 Ph.D. dissertations, and I am the current editor of Diacritics,
25 Diacritics being one of the leading journals in the world in

1 literary theory and what we call continental philosophy, which
2 is my background --

3 Q. How long --

4 A. -- initially.

5 Q. I'm sorry. Go ahead.

6 A. My background initially.

7 Q. How long have you been the Editor in Chief?

8 A. Five years now, I believe.

9 Q. Is it correct that you have been recently appointed to what
10 is called the graduate field of cognitive science?

11 A. A few years ago, yes, I have been appointed to the graduate
12 field, maybe 4 years ago.

13 Q. Have we submitted the letter of appointment as an exhibit in
14 this matter?

15 A. Yes, you did.

16 MR. ZIFCHAK: I believe that's Exhibit 10, Your Honor.

17 BY MR. ZIFCHAK:

18 Q. Who was it that appointed you to that position?

19 A. The director, Morton Christiansen, who's a colleague of
20 mine, who's a professor of experimental psychology at Cornell,
21 who is the co-director of the Cognitive Science Program in the
22 graduate field.

23 Q. What is the significance of your work in the graduate field
24 of cognitive science as it pertains to this hearing?

25 A. So when you are a member of a graduate field at Cornell,

1 that means that you are entrusted by the field since your
2 appointment is based on nomination first and election second by
3 other members of the field, in this case election based on the
4 research proposal that you do. So once you have been appointed
5 to that field, you have the ability to be the examiner for
6 graduate students and that's also in the field of study, which
7 means that you can, I can as a member of the graduate field in
8 cognitive science fail a student or admit a student at each of
9 the different steps of his or her career in graduate studies.

10 Q. Now, I stayed as far away as I could from science when I was
11 in college. Can you explain for us what cognitive science is?

12 A. So cognitive science is an interdisciplinary endeavor,
13 scholarly endeavor that mainly began in the 1960s. And the idea
14 on the outset was to go beyond the paradigm of behavior that was
15 the paradigm ruling psychology at the time. The idea was that
16 by combining knowledge of experimental psychology, philosophy,
17 linguistics as it had been recently redesigned especially, and
18 computer science, you could consider the mind, you could
19 certainly inquire about what is going on within a mind, and the
20 attached idea to that is that the mind could be the mind of a
21 human, of course, but also the mind of an animal, plus it could
22 be robotic or electronic, digital computerized mind.

23 So that field of endeavor began in the 1960s, and in
24 the 1980s there were many changes in it; but let's say that it's
25 now one of the most rapidly growing interdisciplinary fields in

1 the sciences in the U.S. but beyond as well.

2 Q. How is it that you came to know Dr. Savage-Rumbaugh?

3 A. So I came to know parts of her work when I was still a
4 graduate student, mainly because of my interest in language as a
5 theoretician of literature and as a philosopher. And then in
6 2009, I got a major award given by the Mellon Foundation, the
7 award being called a New Directions Fellowship. That's allowed
8 me to be free from teaching and other responsibilities to study
9 in more depth the intersections between the theory of language
10 and the theory of mind I had and the current shape and current
11 field of science.

12 At that point on I immersed myself with a very
13 different kinds of research and objects, and since one of my
14 hypotheses was that language as we know it, human verbal
15 language is not only a window or a means of expression but that
16 language is also changing the way you think, the way you invent,
17 then, of course, I came to be extremely interested in any
18 experiment that would revolve about providing language to young
19 human agents.

20 So quite clearly Sue Savage-Rumbaugh's work, body of
21 work was quoted everywhere and is still quoted everywhere in all
22 of those discussions, and I became more familiar with it through
23 the review of some of the literature. And at that point since I
24 was relieved of teaching duties, I visited several labs. I met
25 with several scientists both in France and in the U.S., and

1 that's when I got in touch with Sue Savage-Rumbaugh and asked
2 her if she would work with me for a few days at the facility
3 where she was working.

4 Q. Approximately when was that, Laurent?

5 A. I guess I got in touch with Sue Savage-Rumbaugh in March or
6 April of 2010.

7 Q. Could you summarize your understanding of the research or
8 what's been called the research trajectory of Dr. Savage-Rumbaugh
9 at that time?

10 A. So at that time my understanding was based on my study of
11 all of the books that she authored and co-authored, was based on
12 the study of many articles, not all the articles because she
13 co-authored hundreds of them, but many articles about the apes,
14 and I had been able to review most of the documentary movies and
15 short clips that you could find on You Tube documenting the
16 abilities of the apes.

17 I wasn't of the impression that especially when she
18 published that monograph about Kanzi's linguistic competence and
19 afterwards, that she had clearly demonstrated that there was
20 command of language that was going on with at least Kanzi and
21 then the other apes, and I wanted both to meet with
22 Dr. Savage-Rumbaugh in the same way I had met with people who
23 are doing neuroscience, for instance, to discuss with her and
24 benefit from discussions, in depth discussions about the topics
25 we were sharing; but I was also much elated by the kind of --

1 there was a small lack of perception on my part when I was
2 reviewing the evidence of about the linguistic abilities of the
3 apes, mainly because of the ways scientific research is being
4 communicated. So I wasn't completely clear about the place of
5 language for the apes. So to put it in spacial terms, I didn't
6 know if for these bonobos language was out there (indicating)
7 far away from them or inside of them or in between. So I wanted
8 to have kind of a subjective experience, because I believe also
9 in subjective experience. I'm a humanist as well as a
10 scientist, so I believe in the subjective experience of being
11 immersed within a conversation to determine myself what kind of
12 space as I mentioned language would be, in what kind of space
13 dimension language would appear for those bonobos in
14 interactions with humans.

15 Q. Did there come an occasion when you did just that?

16 A. Oh, yes, yes.

17 Q. When was the first occasion?

18 A. The first occasion was certainly during my first stay. So
19 my first stay was a week, a bit less than a week in September
20 2010. During this first stay I was not staying all of my
21 daytime with the bonobos. It was half and half I would say. I
22 first, for instance, gave a lecture in an anthropology class
23 that Bill Fields, who was in charge of the trust at that point,
24 was teaching at Simpson College, and I was invited to social
25 events as well; but when I began spending a bit more time beyond

1 that arena, at that point I believe the first interaction I had
2 was involving lexigrams or words and with just one ape in front
3 of me and nobody around us, was when I was playing with Nyota,
4 who was at that point of a very energetic nature, always jumping
5 and wanting to play chase with Teco. So we were doing this, we
6 were racing each other from outside of the glass, that we were
7 separated by a barrier of glass, and at one point when we were
8 together and looking at each other and Nyota had two pieces of
9 paper, a paper keyboard, not the real computer with the computer
10 on, and he signed to mask. So far when he wanted to have me
11 playing with him, he was looking at me straight in the eye and
12 then point to chase or sometimes to Teco, but names of games I
13 would say. But my interaction at that point had been limited to
14 names of games.

15 Then he was playing -- he was deciding to play a new
16 game with me, so he was hiding his face and then covering,
17 uncovering his face with a piece of cloth that he had with him
18 and at the same time saying mask, which I understood to be an
19 invitation on my end to do the same, so I did the same. So we
20 were doing this kind of thing. That was the very first
21 interaction maybe the third day of my stay in September of 2010.

22 Q. Can you give us examples of other interactions you had
23 during that first visit and what preliminary conclusions, if
24 any, you drew from your experience?

25 A. So during my first visit Sue was also introducing to members

1 of the community Teco, who was very young, very young, sleeping
2 all the time. And so from that arena, I participated in this
3 introduction to some people of the local community, and for the
4 first time I saw the bonobos using their keyboard with the
5 computer on. I remember, for instance, that they were asking to
6 go outdoors and that there was the discussion about the flood.
7 So we were in 2010; flood being performed as big water because
8 they don't have floods on their keyboard. So I remember that.

9 I remember as well that I spent a half day with Sue
10 inside of the enclosure with Kanzi and Kanzi showing me some
11 knowledge that he had of the words. So Sue was doing kind of
12 language tasks showing either pictures or pictures of the
13 lexigram and then he had to correlate those. He did something,
14 kind of a construction game that I saw.

15 And then the very last day of my visit, half day
16 because I was leaving on a Saturday afternoon, on Saturday
17 morning I came back, and Sue at the end of the half day told the
18 bonobos that I was about to leave. And they all turned their
19 back to me and at least two of them began to urinate, which is
20 usually a sign, anxiety sign to separation that you find also in
21 the wild, after which point Sue said, maybe you should say hello
22 in a nicer way -- good-bye in a nicer way, and they moved toward
23 me and began screaming or squeaking or yelling, if you want,
24 depending on the term that you want to pretend that you heard
25 Panbanisha doing those sounds in the video clips.

1 Q. Just so we're clear, during this first visit to the lab in
2 Des Moines, did you have direct contact with the bonobos? And
3 if you want to find define contact yourself, please do.

4 A. In the sense of touching them?

5 Q. Yes.

6 A. No, no, and I didn't wish to be --

7 Q. What was the form of barrier between you and the bonobos
8 other than glass?

9 A. Most of the time it was glass because I was not -- I was
10 allowed to go beyond certain limits rather late in my stay, and
11 in the last two-and-a-half days, I believe, then it was the mesh
12 that you have. Of course, you cannot be close to the mesh. So
13 you need to be as far away from the mesh as you can be. All of
14 those things were being initiated with Liz mainly who was
15 telling me what I should do. I mean, the tricky part is when
16 Kanzi, for instance, which happened to me, is giving you
17 something through the mesh, so you need to accept it, but you
18 cannot take it because it wouldn't be safe. So I was being told
19 those things at that point.

20 Q. The second part of my question was, what preliminary
21 observations or conclusions did you draw from the visit as an
22 academic?

23 A. So I need to make clear also that I was doing something that
24 would be called kind of observational and anthropology kind of
25 things you would do with humans. When you approach members of

1 another culture and you are with them, you interact with them;
2 but at the same time, of course, if you are a scholar, you are
3 thinking about what they would do and what you do; but it would
4 interrupt the flow of the information, if you were, taking your
5 notebook out of your pocket and noting everything. So I was
6 taking notes of everything I saw each night, so I have a
7 relatively complete description on which I can rely of what
8 happened to me on those days in my first visit and second visit.
9 I wanted to have the subjective experience of meaning making or
10 meaning sharing, I would say, and I got it. I came back with
11 the idea that the apes had a very strong relationship to human
12 verbal language in their own symbolic language, but also that,
13 contrary to most of us, they were not so much using language to
14 break the ice, I mean, when you don't know someone and you begin
15 speaking with someone, the more they know you nonverbally and
16 the more they speak to you, which is exactly what happened to me
17 during the course of my first stay and the course of my second
18 stay, and I remember having said to Savage-Rumbaugh at the end
19 of my stay that to me the point was no longer do they have
20 language, because I was intellectually convinced -- objectively
21 convinced before with doubts. I was subjectively convinced that
22 they had some language, certainly not the kind of command of the
23 language that I have, no doubt. That's not the point. And I
24 told Sue now the real problem is what they -- I mean the real
25 thing is what they do with that language, how they think through

1 that language, are they describing their world with that kind of
2 language, are they expressing thoughts, emotions with that
3 language.

4 THE COURT: Why don't we take our mid afternoon recess
5 at this time.

6 MR. ZIFCHAK: Thank you, Your Honor.

7 THE COURT: We'll be in recess for 15 minutes.

8 (Recess at 3:00 p.m., until 3:14 p.m.)

9 THE COURT: Please be seated.

10 Mr. Zifchak.

11 BY MR. ZIFCHAK:

12 Q. Laurent, before we describe your second visit to the lab, I
13 just wanted to ask you a couple of questions about your earlier
14 visit. Were you in the courtroom this morning during my opening
15 statement?

16 A. I was, yes.

17 Q. Did you see the short video we showed of one of the bonobos?

18 A. I did.

19 Q. Who was that bonobo?

20 A. Oh, it was Panbanisha.

21 Q. Did you have any interaction with Panbanisha during your
22 September visit to the lab?

23 A. 2010?

24 Q. Yes, 2010.

25 A. Yes.

1 Q. Just describe it.

2 A. So I had the collective interactions I described in the
3 presentation to the people and then at the end the good-bye, but
4 I spent a few hours with her watching video of her in the past,
5 so she was not -- it wasn't direct interaction with her, of
6 course, but she was -- the TV screen was on my side, so she was
7 directing me and she was indicating the kind of video clips that
8 she wanted to see. And so most of the videos that she preferred
9 were pertaining to this mythical character that Sue
10 Savage-Rumbaugh had invented that was called Bunny. Some of you
11 may have seen that when Anderson Cooper visited the facility,
12 Panbanisha asked him to dress like Bunny because there was a
13 bunny suit. So I can testify that Panbanisha was really into
14 her sweet memories about Bunny. And the time when she was
15 raised at the beginning of her life with Panzee, sometimes
16 called Panpanzee, who was a chimpanzee.

17 So that's what we did mainly. We also had tea
18 together. One of the things that she liked to do was to not
19 only share food but decide who will get what kind of food. So
20 this is something that she would do from her side with the
21 computer, and people may perhaps leave or perhaps another
22 caretaker -- there were lots of caretakers in my first visit --
23 would give me the M&M that she had selected or the tea that she
24 had selected for me. So we spent that time together.

25 Q. I gather that you had a second visit to the lab in

1 Des Moines, correct?

2 A. Yes.

3 Q. What was the purpose of that visit?

4 A. At the end of my first visit, as I have said, I came back
5 with the idea that my subjective curiosity was piqued and was
6 satisfied to a large extent. From that point on, for several
7 months I began working on the edition of the special volume for
8 an interdisciplinary journal in France, in French as well, that
9 is called "L'eloquence" that is somewhere in my vitae, page 4,
10 item [iiv] in Roman numerals, "L'eloquence des singes," which
11 means the eloquence of the apes, to provide an additional
12 dissertation. So that was a special issue devoted to ape
13 language research in general. We published one French version
14 of an article by Sue Savage-Rumbaugh and William Fields, but
15 there were other contributors as well. There was one article
16 that I wrote mainly incorporating my observations of the first
17 visit, and so that's a collective issue that I edited with a
18 reflection on the long-term history of ape language research.

19 The actual practice of ape language research begins in
20 the early 20th Century, the 1910s, mainly in the United States,
21 by the way, not only, but late in 19th Century if you include
22 other attempts. But the idea that apes would have the ability
23 like deaf children to be taught some form of human language is
24 to be found already formulated in some theoretical work in the
25 17th and the 18th Century especially, especially for the 18th

1 Century since this is the moment when you have several new
2 methods to teach sign language to deaf children who were
3 repeatedly not able to speak or to understand language before
4 they were being taught that way.

5 So that work on that special issue gave me a new depth
6 about the historical time line that is much deeper than what
7 most scientists would believe because usually when you study the
8 sciences, you don't study the history of your own discipline.

9 So when I'm coming back in October 2011, I believe it
10 was October, when I'm coming back in 2011, I'm coming back with
11 this deeper knowledge not only of the ape language research in
12 the last few decades but of the whole trajectory behind the
13 research trajectory of Sue Savage-Rumbaugh herself, and I'm
14 coming with the idea that now that I know them more, I will have
15 more interactions possibly with them using language and that
16 these other things that I mentioned before that I said I had
17 told Savage-Rumbaugh that I thought that there was something
18 beyond language now that should really be of immediate concern
19 to us. I thought that maybe this something more could be seen.
20 I mean, I was not coming with the idea of collecting data in the
21 crude sense of the term. I was coming back with the idea of
22 going deeper into the research work I had done before.

23 Q. By the way, did you eventually publish in any form
24 reflections on the second visit to the Des Moines lab?

25 A. So when I got the Mellon Award for my work in primitive

1 science, the idea was that I would be able to publish a book at
2 some point. We as scholars take time to publish books, but the
3 book has been out that is based on that particular line of
4 research. My concerns about language and the mind are under the
5 title of "The Intellective Space." The subtitle is "Thinking
6 Beyond Cognition." That's my most recent book published in
7 March of last year, and it's the item No. II in Roman capitals
8 on page 3 of my vitae.

9 In this book that is really a broad theoretical book
10 in constant dialogue with the sciences and especially the
11 primitive sciences. In this book you will find some references
12 to Sue Savage-Rumbaugh's work as such and some references to
13 personal observations that were gathered during my two stays, my
14 two visits, and one was in 2010, the other 2011.

15 Q. Looking back over your first two visits to the lab, did you
16 consider that the manner of the research was inherently
17 dangerous to humans?

18 A. No. No, I did not.

19 Q. Did you consider it to be inherently inhumane to the animals
20 themselves?

21 A. No, certainly not. What is inhumane is that -- is depriving
22 the apes from their own additional language that the research
23 has given them.

24 Q. Why do you say that?

25 A. Because it's -- so it's not that through the use of the

1 keyboard certainly the apes could just translate what is going
2 on inside of them. It's more than that. It's that by the
3 addition of something else, that is, the language keyboard, the
4 symbolic language in general, they are not only able to express
5 what they think, but what they say is also changing how they
6 think profoundly and more superficially. I could explain that
7 more deeply, but I'm not sure you're here for a lecture.

8 Because of that, the apes who have been inserted into
9 the strong cultural and symbolic world through a constant
10 immersion, through that experience the apes are changing in
11 their mind. They are evolving. That's how you could have
12 through the injection of language certainly new symbolic
13 competence appearing such as playing music or drawing or
14 painting.

15 So if you take all of this back, since they cannot
16 speak really, even though Kanzi certainly tries to utter words
17 but very few people are able to understand them, the only way
18 they can express themselves in progress I would say actually is
19 through the constant use of keyboard and constant interactions
20 because language, as I was saying at the beginning, language to
21 them is maybe not completely -- it's not completely within them.
22 Maybe it's a bit in front of them. So if you -- they need to be
23 in situations where they will regularly commonly be led to use
24 that language. And in the same way you have in the late 18th
25 Century and early 19th Century in this country and other

1 countries reflections about how should you do with prisoners,
2 maybe a penitentiary where there would be no language, where
3 there would be very limited contact with people, where people
4 would wear masks all the time to repent about what they had
5 done. I mean, that was something that was being experimented in
6 the sense in the U.S. You have several penitentiaries that are
7 very important in the history of the U.S. What we know is that
8 this isolation was not coming with a good progress for the
9 prisoners. It was often leading people to forms of mental
10 disabilities or madness.

11 For those very same reasons -- and I could digress on
12 that; but for those very same reasons, the apes who have always
13 been in a world where they could change, not only receive
14 orders, not only receive commands, but could change. By the way
15 of the changing, changing the world they are in, if they are
16 being deprived of that, they would strongly be impacted both
17 intellectually and emotionally.

18 Q. As an academic, based on your studies of the ape language
19 thus far, what is it that you would like to research further in
20 the future with these bonobos or what would you like to see
21 researched by scientists if it's not someone like you? And
22 please be brief.

23 A. Okay. I would certainly welcome more work on the
24 verbalizations; that is, both the signals, the screams and
25 signals that they use as bonobos, but also all the added and new

1 verbalizations that they have that seem to imitate or reproduce,
2 to some extent, words. I would be extremely interested because
3 I believe that there is a link between language, mine, if we can
4 speak of language, mine, my language, and then some new use of
5 language and then creativity in general. I would be interested
6 in seeing them be more associated with the arts, with the idea
7 of creation that could involve many different forms.

8 I would certainly welcome my philosophical side, which
9 I would be very interested in going a bit further in terms of
10 morality. They have good and bad, for instance, on their
11 keyboard, and some articles have been published on this, but I
12 would like to see exactly what is going on there.

13 Q. Thank you.

14 I would like to jump out of sequence.

15 A. Okay.

16 Q. Because I think it would sharpen the contrast to it now.

17 Is it correct that you have visited the lab in
18 Des Moines a third time; that is, after October of 2011?

19 A. It is correct.

20 Q. And when was that?

21 A. It was in August of last year. It was a brief visit of
22 maybe 4 or five hours.

23 Q. And what initiated the visit?

24 A. Members of the BHI, including me, would like to see the
25 bonobos. When Julie Gilmore was in charge, I believe in 2013, I

1 asked her if I could visit either in June or August of 2013, and
2 she said yes; but then that led me nowhere because I wanted to
3 have a new stay -- I mean, following my own trajectory of
4 interaction with those bonobos and deepening things. So I had
5 tried to make -- to have that when Judy Gilmore was in charge,
6 and that led me nowhere.

7 I tried again last year and this year actually with
8 Jared, and with the intervention of lawyers, both Bill Miller
9 and you, Bill Zifchak, I was allowed not to stay for a few days
10 and to observe the bonobos, but I was allowed to stay a few
11 hours in the facility in August.

12 So because of that, the purpose of the visit was more
13 about checking how things were rather than going into any kind
14 of deep interaction with the people there.

15 Q. With respect to the bonobos, what did you observe during
16 that visit?

17 A. That was a very disturbing visit to me, to be honest. With
18 respect to the bonobos, what I perceived was a tremendous and
19 extremely sharp contrast between the behavior of Teco, Nyota and
20 Kanzi, Panbanisha having passed away since the last time I had
21 visited the lab, and what I had seen in both 2010 and 2011.

22 So Nyota who was this extremely energetic teenager,
23 jumping and walking everywhere, hopping everywhere was extremely
24 despondent, exhibiting all signs pertaining to depression and
25 was also exhibiting what is usually called in primatology,

1 exhibiting stereotypies. So stereotypies are --

2 MR. MELHUS: Objection, Your Honor. I think we lack
3 foundation for this particular witness to testify about sort of
4 primatology-related issues.

5 THE COURT: I'm going to receive it, subject to the
6 objection. I think he's giving his own observations of what he
7 saw and the impressions that he had based solely on his
8 observations.

9 Is that correct, Mr. Zifchak?

10 MR. ZIFCHAK: Correct, Your Honor.

11 THE COURT: And he may proceed to answer.

12 A. So I will rephrase that. Nyota was exhibiting behaviors
13 with no meaning at all, such as head shaking repeatedly
14 (indicating). I know that is not in the transcript, but it's
15 something like this, when you shake your head for maybe 30
16 seconds in a row with no real reason to do that.

17 In the same way, Teco, who was also playful -- I mean,
18 Teco is very young, so he is playful in many respects. When he
19 was alone in his own enclosure from the regular area, I could
20 see that he was licking and biting the mesh, two behaviors that
21 I had never seen before.

22 The change -- the strong change for Nyota was really
23 that he would have difficulties walking and that he would be
24 very slow in his movements, which is absolutely, absolutely not
25 the case before, and it's not the question of age because he

1 didn't move magically from the age of 15 to the age of 200. So
2 it's something else.

3 Kanzi was -- I asked Kanzi in English if he remembered
4 me, at which point he -- and I was showing him a few pictures,
5 and he nodded with his head, but he was relatively aloof I would
6 say. When Steve Boers, who was the Director of Operations -- I
7 don't know exactly what his title was -- left the lobby, Kanzi
8 checked his surroundings and seen that Steve Boers was no longer
9 there, he was on the other area of the glass, he waved his hands
10 at me.

11 BY MR. ZIFCHAK:

12 Q. Kanzi waved his hand?

13 A. Yes, Kanzi waved his hand to me so I would be closer to him
14 and so that I would be able to at least speak in English to him
15 through the glass.

16 What I can say, which was certainly the most
17 striking -- and observed also Maisha and Elykia, but I could not
18 have -- I could not see Elykia in the eyes. I couldn't see her
19 face. What I can say is that in none of the enclosures I saw,
20 which is most of the enclosures, a keyboard was there. So there
21 was no longer any kind of paper keyboard. The computer keyboard
22 was off. Back in the time both in 2010 and 2011 all of the
23 volunteers and the caretakers were wearing all of the time
24 T-shirts with the lexigrams printed on the T-shirts which
25 helps -- which means if you don't have the keyboard on, the

1 computer keyboard on, or if you don't carry with you a keyboard,
2 then you still have the T-shirt and the apes are able to point
3 at the lexigrams on your own body, I guess. Even though the
4 T-shirts with the lexigrams were on sale in the lobby, none of
5 the volunteers and the employees I saw were wearing those
6 T-shirts.

7 So language was no longer there. The similar culture
8 was no longer there in none of the enclosures I could see,
9 except one where you had a paper keyboard with one panel
10 missing, and that enclosure in the 4 hours that I was there was
11 not used with the apes or by the apes.

12 I can also say that the volunteers had to go through
13 kind of a routine with the apes in case they would be examined
14 physically and that during this routine the volunteers and
15 employees had apparently been instructed to show -- to ask the
16 apes to show their body parts but not through the use of
17 language but just by pointing at a shoulder or pointing at the
18 arm.

19 And the last very sharp contrast was this very heavy
20 silence within the facility. You have seen -- we have seen the
21 videos, but it's even more than that for real. I mean, the apes
22 are screaming all the time, they are speaking or responding all
23 the time. I stayed for 4 hours, maybe almost five, but
24 certainly 4 within the bonobo building, and there was just
25 silence. The only moments when the bonobos expressed vocally

1 anything was when I was at the gate leaving the facility, at the
2 outdoor gate, and Steve Boers coming back in his car, and that's
3 when I heard them very clearly screaming, which tells you
4 something. I'm not sure everybody is familiar with the
5 geography there, but the gate is relatively far away from the
6 facility, and if you can hear them screaming from the gate, it's
7 really that they scream very loud, which is one of the physical
8 difficulties when you stay for long with them. But during my
9 stay with them, that was pure silence. It is usually considered
10 that bonobos are silent in the wild, according to observations
11 that I have not done myself; that when bonobos are silent, it is
12 because they are -- they believe they are under threat. That's
13 why they don't vocalize so that they would not be attacked. So
14 I saw a sign of distress according to the literature.

15 Q. Did you draw any conclusions during that 4- or five-hour
16 visit as to whether any research effort was being conducted?

17 A. My insight would be twofold. On the one hand, since this
18 whole research is based on the immersion within symbolic culture
19 and language, I can say that this side of the research was no
20 longer in place. That I can say extremely clearly with no doubt
21 because you cannot, you cannot say, okay, let's use language
22 from 9:00 to 5:00 -- no; not from 9:00 to 5:00, but from 9:00 to
23 10:00 or 9:00 to 12:00, and then let's go back to something else.

24 So the fact that for 4 hours in a row language was not
25 used and could not be used in any way by the apes was a sign

1 that at least half, if not more than half, of the very
2 foundations of the research was being shut down. Then I have
3 been told that Kanzi and Nyota were foraging from time to time
4 and that -- I believe that was Jared's graduate student who put
5 food into containers with the lexigram on the container, but I
6 saw the empty containers. I didn't see the experiment, and I'm
7 not sure it's exactly the most relevant experiment I have. So
8 that's what I could say.

9 So in my view the main impetus of the research was
10 already being at least diminished, possibly shut down.

11 Q. In August of 2014, were you a member of the BHI Board of
12 Directors?

13 A. Yes, I was.

14 Q. And you have remained a board member until today, is that
15 correct?

16 A. Yes, it is correct.

17 Q. Since August of 2014, have you made any other efforts to
18 visit the bonobos in Des Moines?

19 A. Yes.

20 Q. Please describe them.

21 A. So I sent messages to Jared asking him to allow me to see
22 the bonobos in the way that I had seen them in August; that is,
23 just for kind of a checkup, and also I asked to be at the
24 facility for a longer period of time. So I had those
25 interactions back and forth, usually -- not recently, but I

1 would say until the last few weeks Jared was responding in a
2 polite way, telling me that I could come and, of course, each
3 time I was suggesting a date, the date didn't work. So I tried
4 that several times. The most striking example of that is that
5 on March 30th we agreed on a visit that would have taken place
6 yesterday. So we agreed on that on March 30th. I had suggested
7 any date from May 18th to the beginning of the trial, and Jared
8 said May 26th, but he informed me on Sunday or Monday, last
9 Sunday or last Monday that this visit would be cancelled.

10 Q. Laurent, who was it that invited you to join the board of at
11 the time I believe it was called Bonobo Hope Great Ape Trust?

12 A. My understanding was that it was the Great Ape Trust, IPLS
13 when I had been invited by Sue Savage-Rumbaugh.

14 Q. And when was that?

15 A. So that was in November 2012.

16 Q. And do you recall any particular issues that the board was
17 confronting at that point in time?

18 A. That was a critical moment because of the recent death of
19 Panbanisha. And that's, by the way, how I wrote back to Sue
20 when I learned about the death of Panbanisha in the press. We
21 had been in touch here and there but not constantly in touch.
22 The pressing issue beyond that -- but that was kind of a strong
23 issue. The pressing issue beyond that was relocation because I
24 understood that there was -- from Savage-Rumbaugh and then I
25 understood more completely with the records that there was a

1 discussion about relocating the apes to facilities where the
2 research trajectory would not be maintained at all since we were
3 speaking about zoos. And as a kind of counter project, Sue
4 Savage-Rumbaugh was suggesting that some of the ways of moving
5 forward would be to expand on the artistic side of things for
6 the bonobos, playing music, maybe doing some narration or at
7 least subjecting them to that, doing more art. And since I
8 had -- I was familiar with the bonobos, I was very familiar with
9 the history of ape language research and I was one of those rare
10 people who with the training both in the humanities and
11 especially in literature and in the community of science, Sue
12 Savage-Rumbaugh approached me as someone who would present these
13 kind of expanded interests, and I accepted precisely because of
14 that idea.

15 Q. Was Dr. Taglialatela a member of the board at that time as
16 well?

17 A. He was.

18 Q. As of November 2012, had you had occasion to read any of his
19 published works?

20 A. Yes. At that point in time, yes, mainly in the moment
21 after -- just after or before my first visit in 2010. I knew he
22 was a former graduate student of Sue Savage-Rumbaugh. I knew
23 that. I had seen the paper where he was a co-author on
24 language, speech, tools and writing, I believe it was an early,
25 early paper, certainly 2001. And I had read and I had copies of

1 those in my hard drive, my computer. I had read his first --
2 what I believe to be the first article that he published as a
3 first author on verbalizations, of Kanzi's verbalizations, the
4 way that you will have kind of semantic connection between
5 verbalizations and words.

6 Q. Based on whatever it is you had read to that point in time
7 of his published works, did you have any impression that his
8 approach to ape language research was in conflict with that of
9 Dr. Savage-Rumbaugh?

10 A. No, certainly not. He was building on the foundation of the
11 work because those organizations would never have appeared
12 without the method of Savage-Rumbaugh, and then those
13 organizations were present as one of the next frontiers that
14 when we had established that some language through the keyboard
15 could be used across humans and apes, then maybe Kanzi would
16 begin trying to speak. So that was really the kind of next
17 step. That's how I saw it at that point.

18 Q. When academics publish papers, they sometimes publish works
19 with co-authors, correct?

20 A. Yes, especially in the sciences.

21 Q. And what is the protocol as far as the order of the names?

22 A. So when you are the co-author, that means that you agree
23 with what is in the article, and that doesn't depend on if
24 you're the first author or second author or third author. If
25 you disagree with the article, then you're not an author.

1 There's no way you could be in disagreement with the content of
2 an article and be a co-author.

3 Then the order of priority is usually -- you have
4 different situations, but usually the first author will do most
5 of the work in an article. Sometimes in the sciences you have
6 notes of who wrote what. When you don't have that, it is
7 usually assumed that the first author is the main author. In
8 the case of Jared Tagliatela co-signing with Duane Rumbaugh
9 and Sue Savage-Rumbaugh who are -- I mean, Savage-Rumbaugh is
10 the committee chair, it is understood that this research is
11 being done because the graduate student had access to the lab
12 and to the experiment that the advisor had designed, but that
13 most of the article, if not all of the article, is being written
14 by the first author. We don't have the same practice in the
15 humanities.

16 Q. All right. Well, we'll accept that.

17 A. Yes.

18 Q. Going back to November 2012, did there come a point in time
19 when the, I'll refer to it as the Great Ape Trust board voted on
20 a resolution concerning the division of the board into two
21 boards?

22 A. Could you tell me the date again?

23 Q. December 2012.

24 A. Yes. In December 2012 -- I need to say -- I'm answering
25 your question, but I need to say that one of the very first

1 communications I got when I was appointed to the board, I was
2 appointed to the board in the midst of a meeting in November of
3 2012. One of the first communications was coming from Lyle
4 Simpson explaining many things, but explaining the legal issues
5 with the settlement agreement and documents of that kind, I was
6 not aware of that honestly before signing, and his strong desire
7 to create two boards.

8 So since the very beginning, I believe he sent first
9 message maybe November 26th or 27th, you had this person who was
10 presented to me as the counsel of the board who was arguing in
11 favor of splitting the current board into two boards, and then
12 what he was saying as well, which was -- it's a complicated
13 matter, but that Bonobo Hope existed independently at one point
14 and then had been merged and the board of Bonobo Hope had been
15 merged with the board of Great Ape Trust or IPLS, and he was
16 suggesting that we could in the operation consisting in
17 splitting the current board into two, a science board on one
18 hand and a business board on the other hand, we could say that
19 the business board was the IPLS board and the Bonobo Hope board
20 would absorb the scientists, who were the majority of the
21 people, if not all of the people, currently at that point on the
22 Great Ape Trust, IPLS board.

23 Q. Was that board meeting conducted on the telephone or by
24 e-mail or by a combination of the two?

25 A. By at least dozens, maybe more, maybe 100, 200 e-mails.

1 Q. And thereafter as you served on the board, was that
2 typically the way the board would conduct its meetings?

3 A. Yes. We -- yes. In the last year, I mean approximately,
4 the Bonobo Hope board decided to still retain this way of
5 communicating over e-mail while also having -- taking advantage
6 of Webinar or Skype facilities so that we would be live at the
7 same time for a period of time. But for the -- that was the
8 common practice for IPLS, yes.

9 MR. ZIFCHAK: Your Honor, I just want to confer with
10 Mr. Stambaugh for a split second.

11 THE COURT: All right.

12 (Pause.)

13 MR. ZIFCHAK: Your Honor, I would like to put on the
14 screen page 7 of Exhibit 27, which I'm advised is --

15 MR. STAMBAUGH: It's already admitted.

16 MR. ZIFCHAK: -- admitted into evidence.

17 MR. LANGEL: Exhibit 23, Bill.

18 MR. ZIFCHAK: Oh, it's 23? No. That's the one.

19 MR. LANGEL: All right. What's published is page 7 of
20 Exhibit 23.

21 MR. ZIFCHAK: Okay. All right.

22 BY MR. ZIFCHAK:

23 Q. Laurent --

24 A. Yes.

25 Q. -- I'm showing you what --

1 MR. MELHUS: Your Honor, before we get into this
2 exhibit, I just wanted to renew our objections based on the
3 pretrial order to hearsay on Exhibit 23.

4 THE COURT: I thought somebody just indicated it's a
5 category A exhibit. It's not?

6 MR. STAMBAUGH: That's our mistake, Your Honor. This
7 is Exhibit 23, which has not yet been admitted.

8 (Defendants' Exhibit 23 was
9 offered in evidence.)

10 THE COURT: Well, I'll receive it, subject to the
11 objection, hearsay objection. It's a little hard to tell
12 whether or not it's being offered for the truth of the matter
13 asserted or something that was simply to record something that
14 was said or communicated --

15 MR. ZIFCHAK: It's a recording of a vote on a
16 resolution.

17 THE COURT: Well, depending upon what the recording
18 is, it could be hearsay, it might not be hearsay; but I'll
19 receive it, subject to your objection.

20 MR. ZIFCHAK: Thank you, Your Honor.

21 MR. STAMBAUGH: Thank you, Your Honor.

22 (Defendants' Exhibit 23 was
23 received in evidence.)

24 BY MR. ZIFCHAK:

25 Q. Laurent, have you seen that document before? And you can --

1 we can show you that. If you would scroll.

2 A. I'm not completely sure I saw this in December, I'm not
3 completely sure, but we received messages by Lyle Simpson before
4 December explaining the content of those -- of the memorandum,
5 and then I saw the resolutions when we voted upon them later on.

6 Q. When did you vote on the resolutions?

7 A. I believe we voted in April of 2013, yes.

8 Q. Do you recall a vote --

9 A. Maybe May. I know that the resolutions had been introduced
10 in late April, so I don't know when the vote took place exactly.

11 Q. Do you recall a vote on any resolution on the date of
12 Exhibit 27 (sic), page 7?

13 A. I don't -- I might be wrong. I don't recall a formal vote
14 on the immediate transcription of this into action I would say.

15 Q. Okay. Fair enough.

16 But it is your recollection that at a point in time
17 the Great Ape Trust board voted to split in two?

18 A. Oh, yes, yes. And it is my recollection that we discussed
19 that resolution. I don't really recall if we voted upon that at
20 that point, but --

21 Q. Okay. Fair enough.

22 Did Lyle Simpson circulate anything else to the board
23 at the time of the first meeting that you participated in?

24 A. I know from the records that there was memorandum that he
25 drafted.

1 Q. Right. Anything else?

2 A. We had -- at the same time, I mean, in this late November
3 message when he was explaining the need for the split of the two
4 boards, he also sent as attachments, but that was different, the
5 draft for the settlement agreements, the two -- the drafts for
6 the two side agreements if I'm --

7 Q. Okay. What is your understanding of what the settlements
8 that were executed in this matter, the two settlements were
9 intended to accomplish?

10 A. So the idea was to, as far as I can tell, was to determine
11 ownership and all the -- ownership of the bonobos and all that
12 comes with ownership. And in this description of ownership, you
13 have several items, and the point was to make clear that Sue
14 Savage-Rumbaugh was relinquishing her rights and that those
15 rights were being transferred to the science board, to what was
16 to become the science board; that is, Bonobo Hope. The Bonobo
17 Hope board already existed. The research trajectory was playing
18 a huge role in the definition of what was being owned since we
19 can only own apes, and so that was also put into the draft that
20 we saw in late November of 2012.

21 Q. Did there come a point in time in the spring of 2013 when it
22 was brought to your attention that the Great Ape Trust was
23 seeking someone to succeed Dr. Savage-Rumbaugh?

24 A. Yes. We all received a message, possibly early June or late
25 May of that year, from Lyle Simpson, again, the counsel of the

1 two boards since at that point in time in May - June, we had the
2 split -- I mean, the split was complete between the two boards.
3 So in that message Lyle Simpson was mentioning that the trust
4 had met and had decided to grant to Sue Savage-Rumbaugh the
5 title of Director Emeritus of Science and that she could still
6 do research as she wishes, I believe that's the exact term, as
7 long as she would be able to do it, I believe was almost the
8 exact term.

9 In that very same message explaining that Sue
10 Savage-Rumbaugh will be here at the trust, even though he could
11 have said -- I mean, Lyle could have said since he wrote the
12 trust at that point, that the trust had acknowledged her
13 tremendous role in the facility and wanted to grant her
14 permanent access. At the same time, there was also the mention
15 that Sue so far had been a one-person band -- that's another
16 quote, one-person band -- and that certainly we needed more, we
17 needed people to step forward and continue the research, with
18 her being granted those permanent rights to access and to do
19 research, but someone else, preferably younger. There was a
20 discussion about those criteria. The goal was for finding a
21 Director of Science.

22 Q. Were you approached about becoming the Director of Science
23 at the Great Ape Trust?

24 A. Yes, I was.

25 Q. Who approached you?

1 A. Bill Greaves and Jim Benson invited me to --

2 Q. Thanks.

3 Would you identify them for the court, please?

4 A. So Jim Benson and William Greaves or Bill Greaves were two
5 members of the Bonobo Hope board, and they were members of the
6 board I joined and they -- one passed away very recently. They
7 have done tremendous work with their undergraduate students at
8 their home institutions, at their college, tremendous work of
9 indexing in depth the whole content of how -- I mean, hundreds
10 of hours of videotaping of interactions between humans and
11 bonobos and between bonobos.

12 And I had the ability to visit them in nearby Toronto
13 in April of that same year, and we had a very good conversation
14 there. I met with the students. I saw the research they had
15 done. We were in touch before. I was in touch with them even
16 before I came in 2010 to the lab or maybe the same week, but we
17 had not seen each other. And so we had a chance, I knew some of
18 their work, I knew that they had co-written articles with Jared,
19 for instance and Sue, and so I knew some of their work on
20 language and in a linguistic framework that I'm not going to
21 explain. And they told me, maybe you should say that you would
22 be okay with being the Director of Science.

23 Q. Was that concept discussed with Lyle Simpson or Julie
24 Gilmore?

25 A. Yes. I sent a message to both Lyle Simpson and Julie

1 Gilmore -- I'm sure it was sent to Lyle Simpson; I'm almost sure
2 it was sent to Julie Gilmore as well -- telling them that I had
3 been approached by others, and I said -- we were in June, so I
4 was not teaching until August. So I said, if you need someone
5 who would do interim work for the summer who could certainly
6 lend some credentials to the facility, help with getting grants,
7 I would be glad to intervene to do that; but the problem is I
8 cannot take the responsibility of becoming the Director of
9 Science because I have a full-time job and I cannot see how you
10 could be the Director of Science if I were just doing my regular
11 job, which is heavy job, plus this. I could not see myself
12 going a few days a month to the facility. I could not imagine
13 that. So I said maybe another title if you want my credentials,
14 if you want me and the imprint of Cornell, maybe another title
15 would be more appropriate such as Director of Research. And
16 Lyle wrote back to me that what he needed was a firm offer and
17 that they should pursue that.

18 That's where we were, and then in that very same
19 summer, the discussion shifted to questions of money, so the
20 discussion of about finding a new Director of Science was in a
21 sense suspended by the emergency situation about the money.

22 Q. Did you receive later that fall, in about October of 2013,
23 an e-mail from Dr. Savage-Rumbaugh nominating Jared Tagliatela
24 and Bill Hopkins to positions at the Great Ape Trust?

25 A. Yes, yes.

1 Q. And what was your reaction?

2 A. When we got the first message in June, I believe one of the
3 implications was that one of the members of the Bonobo Hope
4 board would volunteer. At that point Itai would have been a
5 very strong candidate, Itai Roffman, whose name I mentioned in
6 my letter to Lyle Simpson; but he had to complete his Ph.D.
7 first, so he was not the ideal candidate for now or for that
8 time. Jared Taglialatela had been discussed as well I know, and
9 there were discussions about other people from outside of the
10 Bonobo Hope board, but that didn't lead us very far because we
11 had been in some sense a bit sidetracked by the summer
12 discussion about keeping the lights on. Lots of messages were
13 being exchanged on that topic.

14 When in October we got the message that Jared was
15 interested and then that Jared would come with William Hopkins,
16 I thought that finally we had identified people who would be
17 able to really do the work as I thought they would do it; that
18 is, by being there more than a few days a month, by really
19 conducting new research projects. But I need to remember that
20 when we were being asked in June what kind of Director of
21 Research we could contemplate, we were also being asked at the
22 same time -- we are also being told at the same time that Sue
23 Savage-Rumbaugh had this new title of Director Emeritus of
24 Science with the ability to do research as she wishes and so
25 long as she wanted to.

1 That was precisely when we discussed -- in the summer
2 we discussed the possibility of having Jill "Prutz" or
3 "Prootz" -- I'm sorry about the pronunciation -- P-R-E-U-T-Z, as
4 the possible Director of Science because she works nearby. Ken
5 Schweller nominated her. It was clear that had she resigned
6 from the former board, so that wasn't obviously the main point
7 and she was not exactly in line with the idea of having Sue
8 Savage-Rumbaugh as -- I mean, she's more advanced than Jared is,
9 for instance, so having a new mentor at the stage of her life
10 was more difficult.

11 Q. Did there come a point in time when the Bonobo Hope board
12 voted on a resolution to appoint Jared and Bill Hopkins to the
13 positions of Director of Research and Director of Science,
14 respectively?

15 A. Yes. We didn't go into that, but there is also the question
16 of determining if we were actually the Bonobo Hope board, but I
17 would say that the people who thought they were the Bonobo Hope
18 board --

19 Q. I stand corrected.

20 A. -- voted at that point, and I thought I was a member of the
21 Bonobo Hope board at that time, and they voted and supported the
22 nomination of Hopkins and Jared Taglialatela.

23 Q. Was there any either telephonic or e-mail or -- well, was
24 there any exchange of ideas or comments about those resolutions,
25 whether in person, by e-mail or on the telephone that you

1 recall?

2 A. At that point in time, no, not that I recall.

3 Q. And did you vote on the resolution?

4 A. I did.

5 Q. At that time were you aware of the IPLS resolution in May of
6 2013 that granted Dr. Savage-Rumbaugh unfettered permanent
7 access to the bonobos?

8 A. I had the quotes in Lyle Simpson's message from June saying
9 something relatively similar, but not speaking -- not giving us
10 the wording of that resolution.

11 Q. All right. And at the time of the vote on the resolution,
12 which was November 13, 2013, is that correct?

13 A. I believe it was, yes.

14 Q. Were you aware that Dr. Savage-Rumbaugh had been banned from
15 further access to the laboratory?

16 A. Oh, no, certainly not. I was operating within the previous
17 parameters telling me that she would have access as long as she
18 wishes.

19 Q. And at the time that you voted on the resolution, did you
20 have any inkling that Yerkes, which I believe has been
21 previously identified today, had any hand in the banning of Sue
22 from the lab?

23 A. Absolutely not.

24 Q. And at the time that you voted, Laurent, did you have any
25 inkling that Dr. Savage-Rumbaugh had purportedly been dismissed

1 as a director on the board of IPLS?

2 A. No, not at all.

3 Q. When did you learn these things?

4 A. I would say I learned some of those things, I mean, the
5 banishment in December of 2013 and generally 2014. For the
6 actual resolution put forward by the trust granting her limited
7 access -- or unfettered access to Sue Savage-Rumbaugh, I believe
8 I saw the document very recently, certainly yesterday when we
9 were preparing together, and for the mention of Yerkes, that
10 became completely clear to me in the last few months.

11 Q. Do you have any evidence that any of the other purported
12 Bonobo Hope members who voted on the resolution were aware of
13 any of these things when they voted?

14 A. I guess that -- I guess none was aware. Maybe there was an
15 exception for Jared. Maybe he was aware of that, but certainly
16 we were not.

17 Q. As of the time of the vote on the resolution appointing
18 Jared and Bill Hopkins, had anyone disclosed to you that IPLS
19 had been dissolved by the State of Iowa?

20 A. Oh, no, no, no. We didn't know that.

21 Q. And, lastly, at the time that you voted, did you have any
22 reason to doubt that either Jared or Bill Hopkins did not
23 support Sue's research trajectory?

24 A. No, I had no reason to -- I had absolutely no reason,
25 because when you -- in the arena of science or getting into

1 research in general, if you suddenly believe that what you were
2 stating or explaining before is not true, you have -- it is your
3 duty to retract or your duty to critique the work. I had -- I
4 was aware of no critique, no such critique of Savage-Rumbaugh's
5 work that would have been done by Taglialatela or Hopkins. I
6 was not aware of any e-mail communication that would be critical
7 about that, and so I had absolutely no reason to believe that
8 there would be a problem there or that there would be any kind
9 of critical comment about Sue Savage-Rumbaugh's research
10 trajectory, especially based on my knowledge at the time of the
11 work of vocalization, since Bill Hopkins did his dissertation,
12 his Ph.D. on vocalization before getting tenure as well, not
13 only on this, but -- so, I mean, the common point that they
14 had -- and I was not extremely familiar with Hopkins' work when
15 I voted I have to say. The common point that they had was their
16 work with Savage-Rumbaugh, their work with Kanzi and their work
17 on verbalization, which could be seen as one of the next steps.

18 Q. After the November 13, 2013 vote, when was the first time
19 that Bonobo Hope was given any substantive information regarding
20 the goings on at the Great Ape Trust?

21 A. Depends on what you call substantive information. I would
22 say that I never received any substantive information, but we
23 received some amount of substantive information in March of
24 2014. I believe it's March. In the spring, that's for sure.

25 Q. Could you summarize what that communication was?

1 A. That was kind of intent about the research that was very
2 vague. I had a phone conversation before that with Jared who
3 spoke to me over the phone for maybe -- I believe it was in
4 February of that same year, 2014, who explained to me several
5 things that we could discuss if need be, and he was basically
6 saying that he was doing his best.

7 So in this message that we received in March, we had
8 some vague notions about research being done, but just vague.
9 Certainly no description that you could assess in any way, and
10 information about the fact that the bonobos were in good health,
11 which was only true when I saw them if we just take the physical
12 aspect of the notice, but we need to remember that Matata passed
13 away in between. So we had a few information at that time about
14 the new scientific advisory board that they had constituted,
15 which was also a surprise to some of us, most of us, that there
16 would be a new science board the first thing. But the second
17 thing was that the new science board would just have an advisory
18 role, which means a non-role at least from our academic criteria
19 or viewpoint.

20 Q. Did Bonobo Hope respond to the communication from Jared that
21 you just described in March of 2014?

22 A. Yes. I mean, we were glad to finally have some
23 communication on a one-on-one basis, but we wanted to have more
24 information about the research being conducted there.

25 Q. Did you have a hand in drafting a response?

1 A. Yes.

2 Q. And was that response ultimately sent to Dr. Taglialatela?

3 A. Ah --

4 Q. If you recall?

5 A. We may have sent it. I hope we sent it. We certainly
6 conveyed through multiple messages, multiple messages we
7 conveyed our opinion in an individual way. After Jared sends
8 the message, we had a kind of heated discussion over e-mail
9 about many subjects, but not a discussion over the content of
10 science, for instance.

11 MR. ZIFCHAK: Your Honor, I would like to display one
12 of ACCI's exhibits, Exhibit 6 (sic).

13 THE COURT: All right.

14 BY MR. ZIFCHAK:

15 Q. Laurent, I'm showing you ACCI Exhibit 6. Have you seen this
16 before?

17 A. Yes.

18 Q. When was the first time you saw it, approximately?

19 A. Recently, recently, a few months ago.

20 Q. Between the March 2014 communication from Dr. Taglialatela
21 and this document, did Bonobo Hope receive any written
22 information from ACCI?

23 A. Pertaining to research, no, certainly not.

24 Q. What was your reaction when you first saw this document?

25 A. As you can see, it's a list with a few titles. Most, not

1 all of them, but most of the titles are so vague that it would
2 be difficult -- I mean, that you could do everything with
3 bonobos. Let's take the first one, for instance, "New Insights
4 into Human Origins through the Study of Linguistically Competent
5 Bonobos." I mean, it's difficult to be more vague than that. I
6 mean, I don't know what it means.

7 So basically we have a list of possible research
8 protocols that appear to be active, and though I don't know
9 exactly what it means, some of them very clearly will not do
10 many things with bonobos, such as "A Socio-Ecological Comparison
11 of Captive Pan troglodytes, Pan paniscus and Gorilla gorilla."
12 You will have some interaction with the bonobos but not much.
13 Others are just completely vague. And we certainly -- I mean,
14 nobody could get away with it. I mean, when I am, as I will be
15 in two days, when I am a member of the selection committee for
16 grants, which I am in two days, most of the grants being the
17 sciences, the other half English humanities, and me judging all
18 of those grants, for each grant I have up to 100 pages of
19 description. So let's say that 100 pages might be a bit on the
20 long side here, but certainly more than one vague title would be
21 welcomed to have any kind of possible scientific and scholarly
22 judgment about what is going on.

23 Q. Is it your understanding that at least since last June, June
24 2014, that ACCI has denied Dr. Savage-Rumbaugh access to the lab
25 and access to the bonobos?

1 A. It is my understanding, yes.

2 Q. And as a member of the board of Bonobo Hope and as an
3 academician, what is your view on that continued banishment?

4 A. I believe it's wrong from almost all of the angles I can
5 envision. It's certainly wrong for the welfare of the bonobos
6 because all animals, all mammals, let's say, have a strong
7 emotional bond with the other mammals that raised them, but
8 certainly in the case of primates, in the case of great apes,
9 especially in the case of bonobos, this emotional bond is
10 extremely, extremely powerful.

11 So you had experiments in the 1960s where you had
12 small monkeys, not apes, but small monkeys being raised in
13 isolation, and you had after that the psychotic mother and the
14 female monkeys that were isolated with no human contact would
15 then become like a mother cheating their offspring, and all of
16 this is very well regimented for lesser, if I may use the term
17 "lesser," for lesser animals than bonobos.

18 So it's wrong to prevent those bonobos from at least
19 seeing, being in contact with the people who raised them.
20 That's the ethical part of it.

21 Then it's completely wrong scientifically because the
22 whole point of the experiment was symbolic, constant symbolic
23 immersion on a systematic basis and this happening through
24 bondage, through emotional bonding, precisely. So you are
25 basically dismantling the experiment, the whole decade long

1 experiment by preventing Sue Savage-Rumbaugh from having access.
2 It's wrong professionally. I mean, I cannot say how much it is
3 wrong, I mean, how wrong it is, excuse my French, in the sense
4 that in science, in research in general, you have the phase of
5 preparation, so you prepare the experiment. Then you will
6 collect data and then you will interpret them. But the first
7 stage of preparation is the rearing in the case that we are
8 considering, and this is a phase that has been not only done by
9 Savage-Rumbaugh but designed by her in an extremely theoretical
10 and reflective way. So it's almost close to stealing the
11 intellectual property, not the property research, but the
12 intellectual property of the work by abandoning animals,
13 experimental animals that haven't been prepared.

14 And then I would add the last point where it is wrong,
15 as I have said before, your own ethics as a scholar and a
16 scientist is to say in the public through publications, through
17 peer review publications why you disagree with someone, why you
18 disagree with something. So you cannot appropriate the bonobos
19 and say, oh, I disagree, but I'm not going to say why, I'm not
20 going to publish why. Because in one year and a half how many
21 articles did we see coming from Bill Hopkins and Jared
22 Tagliatela that was based on their supposed research, supposed
23 active research in the lab? None.

24 Q. Just one last question, Professor Dubreuil, and I'll put the
25 question as it's been put to Jeb Bush recently. Knowing what

1 you know now, would you have voted to install Jared and Bill
2 Hopkins?

3 A. No.

4 MR. ZIFCHAK: Thank you.

5 I pass the witness.

6 THE COURT: Cross-examination?

7 MR. MELHUS: Just briefly, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MELHUS:

10 Q. Mr. Dubreuil, you testified earlier that in September of
11 2010, you had several extended interactions with the bonobos, is
12 that correct?

13 A. I had several interactions with the bonobos, yes.

14 Q. And at night you would go home and take very careful notes
15 about your interactions?

16 A. Each night. I'm not doing them back home because I was
17 living in Des Moines and Des Moines is not my home; but every
18 night, yes, I was and sometimes for lunch when I had a break I
19 would write down observations, yes.

20 Q. Okay. And then at some time later you had a second visit,
21 an extended visit?

22 A. Yes.

23 Q. And you also had interactions with the bonobos at that time?

24 A. Yes.

25 Q. And during those interactions in that second visit, I think

1 you described it in your testimony as ape language research, is
2 that right?

3 A. Could you rephrase the question?

4 Q. Sure. You described your interactions the second -- during
5 the second visit as targeted towards ape language research.

6 Is that an accurate description?

7 A. No, that's not. I said that in between my two visits, I had
8 edited a special issue that was devoted to ape language research
9 and the theories of thought foundations of ape language
10 research. So when I came for the second visit, I had a deeper
11 knowledge of the long-term history of ape language research.

12 Q. Okay. That's what I said.

13 A. I believe.

14 Q. And were you conducting any type of research during either
15 of those two visits?

16 A. I conduct research almost every day of my life. I'm writing
17 a lot. So, yes, I conduct research. I was involved in one of
18 my research projects, the one that led to the publication of the
19 2015 book I already referenced, "The Intellective Space."

20 So that was one of the research projects I was
21 involved in at that point when I visited for the second time in
22 2011.

23 Q. Okay. And during that second visit, you conducted some
24 observations and you included those in your publication, is that
25 right?

1 A. I did -- I observed things. I didn't set up a research
2 procedure with control -- you know, in a controlled setting if
3 you want. I mean, you have different ways of conducting
4 research. So I observed what I saw. I simply reflected on this
5 and some of my personal observations, interlaced with my general
6 understanding of the problems that we discussed, appear, do
7 appear in my 2015 book.

8 Q. Okay. Did you collect any data during either of those
9 visits?

10 A. It depends on what you call data. I believe it's in the
11 discussion there, so we can discuss that if you want.

12 Q. Sure. What is your understanding of what the term "data"
13 is?

14 A. I would say it's mainly a term that you have in the
15 experimental sciences. So in nonexperimental sciences, such as
16 math or theoretical physics or theoretical chemistry, you don't
17 call it data because you just theorize about things. So if you
18 seek -- chose the definition of data in the experimental
19 sciences, meaning that you set up a protocol with controlled
20 procedures and then you collect data, I didn't do that in none
21 of my stay.

22 Now, the term "data" is coming from Latin. It's the
23 pure form of datum which means given, something that is given to
24 you. So you consider that when you are a historian and you do a
25 type of work, for instance, you collect data because you collect

1 items that are a part relatively speaking with the experimental
2 sciences. I am not a scholar doing experimental research, so I
3 don't collect data more than a theoretical person would, as a
4 scientist working in physics would collect data; but as someone
5 who theorizes on things, I'm extremely interested in the data
6 and the experiments that other scientists and scholars could
7 have.

8 Q. Did you conduct any research with the bonobos during either
9 of those visits?

10 A. My answer would be yes, because research is not collecting
11 data. It's not reduced to collecting data.

12 Q. Are you aware of the requirements to obtain IACUC -- that's
13 I-A-C-U-C -- approval before conducting research with primates?

14 A. Before collecting data, yes, I'm aware of that.

15 Q. Before conducting any research, are you aware of any
16 requirements about obtaining IACUC approval before conducting
17 research of primates?

18 A. I was observing primates, so I didn't intervene in their
19 life space. In that sense I believe the jury is out, if I may
20 use such an expression here. Maybe that's not -- but according
21 to the rules of the IACUC, I was not asked by the Director of
22 Operations, who was Bill Fields at that point, I was not asked
23 by him to submit a research proposal that would go through an
24 IACUC.

25 Q. So you did not obtain IACUC approval before conducting

1 research of the bonobos?

2 A. I did not collect data. I believe that my work was
3 observational and I was not being asked to go through the IACUC
4 procedure since I was with Jared Taglialatela.

5 Q. Did you obtain IACUC approval before conducting research on
6 the bonobos?

7 MR. ZIFCHAK: Objection; asked and answered.

8 MR. MELHUS: Your Honor, I don't think he answered the
9 question that was posed, so I'll just restate it again.

10 THE COURT: I'll let you restate it.

11 Go ahead and answer.

12 A. I did not receive IACUC approval for any collection of data.

13 BY MR. MELHUS:

14 Q. So that's a slightly different answer than the question that
15 I had asked about. Did you obtain any IACUC approval before
16 conducting research with the bonobos?

17 A. I believe we are here in a discussion about the identity of
18 terms which we use, so could you tell me what you call
19 conducting research? And then I will be very glad to answer.

20 Q. I'm using research in the same sense that you used it when
21 you testified that you conducted research of bonobos.

22 MR. ZIFCHAK: I think that mischaracterizes the
23 testimony, but I'll allow the witness to answer.

24 A. As I said, I did not -- I was not being asked to submit a
25 research protocol, so I did not receive a research protocol -- a

1 research authorization. I believe I have been clear about that.

2 BY MR. MELHUS:

3 Q. All right. Thank you.

4 Now, there was a third visit you testified about in
5 August of 2014, is that correct?

6 A. That is correct.

7 Q. And that visit lasted approximately 4 to five hours, is that
8 right?

9 A. 4 to five, yes.

10 Q. And during that time, you made some observations about the
11 bonobos and how they behaved and the research that was being
12 conducted at the facility, is that correct?

13 A. I made an observation about the behavior of the bonobos. I
14 made observations about their enclosures. I could not make
15 direct observation about research since there was no research
16 going on as far as I could tell.

17 Q. So you didn't see any research going on during that August
18 2014 --

19 A. No, not of any kind. I had been told that the cannisters
20 that were somewhere on the floor with things around them were
21 being used for some kind of simple recognition cognition task.
22 That's what I have been told, but I had no direct experience of
23 that. And I can say that the research defined as involving
24 preparation through the constant and systematic immersion within
25 the cultural symbolic used here, that this research was not

1 taking place since the lexigrams were nowhere to be found in the
2 enclosures with the apes.

3 Q. So other than your observation in October -- or excuse me,
4 August 2014 for the 4 to five hours, you have no way of knowing
5 whether or not lexigrams are in use outside of that time period,
6 is that correct?

7 A. If lexigrams are being used, I have no reason to believe
8 that the lexigrams would have been removed before my visit and
9 then reinjected after my visit.

10 Q. But you have no way of knowing for sure whether or not there
11 is any lexigrams in use before or after your visit, is that
12 correct?

13 A. I have ways of drawing conclusions, but I have no way of
14 being constantly checking where things are since I'm not being
15 allowed to visit the lab when I suggest different dates and
16 different years, so no.

17 Q. And your observations during that August 2014 visit, they
18 weren't based on any formal research in primatology, were they?

19 A. Could you rephrase the question?

20 Q. You testified earlier to some observations that you made of
21 the bonobos during your August 2014 visit, correct?

22 A. I testified, yeah. I went there, yes; but I don't get the
23 second part of your question.

24 Q. So the conclusions that you drew from those observations --

25 A. Yes.

1 Q. -- during that August 2014 visit, they weren't based on any
2 formal training in primatology or ape behavior, were they?

3 A. They were trained -- I'm a member of a cognitive science
4 project and communication program. Cognition, which is the way
5 the mind works through feelings, emotions, cognition is at the
6 core of my training, at the core of what I do in cognitive
7 science. Ape cognition is a part of that.

8 Behavior and behaviorism is one way of looking at
9 things that has been -- behaviorism as a paradigm has been
10 largely distributed in the past. Cognition is another way. So
11 I have extensive knowledge of the scientific literature, if we
12 can use that term, about ape cognition, yes, I have that.

13 Q. You have training in ape cognition?

14 A. I have an extensive knowledge of the recent and published
15 literature about ape cognition.

16 Q. And that's just sort of based on your own understanding and
17 research in that area?

18 A. Okay. So when you study carefully, the question of
19 cognition, the very theory of cognition is that cognition
20 appears and happens independently from the site, that you can
21 have an understanding of cognition understood as a unit of the
22 way your mind works, that you can have that understanding and
23 that this understanding does not depend on the animal or the
24 organism that is using it.

25 So when you work in cognitive studies, you don't work

1 with apes, you don't work with grass. You can, but you don't
2 have to. When you work in cognitive studies or cognitive
3 science, you are interested in the way that the mind works. In
4 order to understand how the mind works, you need to cross
5 boundaries. You need to cross disciplinary boundaries. You
6 need to go from biology to philosophy to computer science to
7 artificial intelligence to experimental psychology, and you need
8 to do that. Some people are more on the experimental side of
9 things; some people are more on the theoretical side of things.
10 I am more on the theoretical side of things, so I have the
11 theoretical knowledge of cognition as it also pertains to apes.

12 That is why I have been elected by my peers as a
13 member of the Cognitive Science Program, and I am the only
14 humanist beyond three philosophers being a member of that
15 program. All the other ones are in engineering science, in
16 biology, in neurobiology, experimental psychology.

17 So I might believe that I have been elected for good
18 reasons and precisely because I provide a theoretical light and
19 a theoretical angle specifically grounded and explained to me
20 that people working on experiments cannot competently bring.

21 Q. So in that capacity that you just described at some length,
22 how many papers have you published, for example, on ape
23 cognition and behavior?

24 A. On ape cognition and behavior?

25 Q. Right.

1 A. So I don't work so much on behavior, so I don't publish on
2 behavior. Behavior is for me just a consequence of cognition,
3 emotional and intellectual cognition. Then if you -- what I
4 need to explain is that if you narrow down things, then you are
5 missing the whole point of cognition.

6 So to go back to your question, I edited the journal
7 issue about ape cognition and language, the one I referred to
8 earlier on. I was invited to respond to Sue Savage-Rumbaugh's
9 essay on the web site in 2011 or 2012 -- yeah, early 2011, I
10 believe.

11 I have published observations and reflective
12 observations in the article that was in the collection I have
13 already mentioned.

14 I have published some pages within "The Intellective
15 Space," maybe 10 percent of "The Intellective Space." I
16 don't -- it's hard to quantify my 2015 book that pertains to ape
17 cognition.

18 And I am working right now on a book co-authored with
19 Sue Savage-Rumbaugh about -- that we entitled "Dialogues on the
20 Human Ape," which is a co-authored book that is certainly at
21 that stage it's at least 250 pages long, and it's a theoretical
22 book and based on the dialogue between people coming from
23 different disciplines and trying to understand the states and
24 the possibilities of becoming a human ape.

25 I also gave a key note lecture at a conference at

1 Cornell on post humanities where I mainly spoke about ape
2 cognition.

3 Are you -- do you want more?

4 Q. No. Let's move on. But thank you for that response.

5 A. Okay.

6 Q. Let's just change topics for a second.

7 A. Yes.

8 Q. Since December 2013, has BHI obtained any grants to support
9 or care for the bonobos in Des Moines?

10 A. Your question is, since December 2013, did we get any grants
11 to support the bonobos in Des Moines? That's your question?

12 Q. Correct, that's my question.

13 A. I wanted to be sure about the time line since, as you know,
14 we have multiple time lines and multiple instances as well.

15 So since December of 2013, basically we as members of
16 the Bonobo Hope have been unable to conduct any research with
17 the bonobos. So that's the first part of my answer. So we did
18 not try to bring so much money to the facility for research that
19 we could not conduct. But we decided that we would move forward
20 and that we would try to come up with a new facility, and we
21 have been in discussion with different facility directors and
22 especially Ryan Sheldon, who has very generously decided to go
23 ahead and build a new facility either for the bonobos if we are
24 able to have them, which we hope, or for chimpanzees who would
25 need rehabilitation. So this is a place that is being built in

1 Missouri, and there is funding attached to that.

2 Q. I appreciate that response, and I think we got a little bit
3 off topic again. Let's focus specifically on how many grants
4 BHI has gained for the care and support of the bonobos in
5 Des Moines.

6 A. Since December 2013?

7 Q. Correct.

8 A. And you're speaking about grants or you're speaking about
9 donations?

10 Q. Let's start with grants.

11 A. With grants, since -- how can I put that? If I believe that
12 I am not allowed to have access to the bonobos, why would I try
13 to have the grant to work with the bonobos if I cannot work with
14 the bonobos? I believe that question is certainly in my mind,
15 in the mind of several of us. And so when you propose -- when
16 you do a research proposal for a grant, you -- there is an
17 engagement, a commitment from your part, so you're saying this
18 is a research that I would like to do and I know I will be able
19 to conduct that research if I get that grant. Now, if you
20 believe, as I believe, that I would not be able to conduct that
21 research, that BHI would not be able to conduct that research,
22 et cetera, then I'm not going to write a paper and submit it to
23 a federal institution or to a private foundation asking for
24 money, asking for money for a project that I know or I believe I
25 cannot conduct in any way.

1 So the answer is we didn't try to have grants for
2 research that could not be conducted because we were de facto
3 excluded from that.

4 Q. You didn't obtain any grants and you didn't try to obtain
5 any grants; is that what you're saying?

6 A. You can only have grants for research that is likely. If
7 you believe the research is not likely because you don't --
8 you're not allowed to enter the premises, then why would you ask
9 for any grant? That would be lying to a federal agency. So the
10 answer is no; but I qualified the answer.

11 Q. All right. Thank you.

12 And let's go a little bit simpler. How much money has
13 BHI contributed to the care and support of the bonobos in
14 Des Moines since December 2013?

15 A. We have contributed in different ways. So there was money
16 especially coming from Bill Greaves who committed to several
17 thousand of dollars in the summer of -- oh, I'm sorry, I'm mixed
18 up with the time line. So you are asking after December 2013
19 again, I think. So after 2013, we have tried to come up with
20 solutions on the long term believing that the solution in
21 Des Moines was not a long-term solution for many reasons. So we
22 did not try to have much donations at that level.

23 Q. Can you qualify not much donations at that level? Is it
24 zero or --

25 A. I could, but I could not -- I mean, I don't know. I don't

1 know the answer to that. You are asking since December? You
2 are asking since we have been unable to access the bonobos, so I
3 don't know exactly what the answer is. Unless we include the
4 promise coming from Ryan Sheldon and the new facility in
5 Missouri, which is, of course, what we did.

6 So we were looking for donations, not for the
7 Des Moines facility, but we have been raising funds for another
8 facility where we hope to transfer the bonobos. So we paid for
9 a few, for their veterinary care I believe, but I cannot be more
10 specific on this. I'm not the treasurer of the board.

11 Q. Fair enough. And I'm not meaning to interrupt you, and if I
12 am, I'm sorry.

13 If I'm to understand your testimony, since December
14 2013, you haven't -- BHI has not contributed any money to the
15 care and support of the bonobos. But has put forth effort to
16 relocate the bonobos somewhere else, is that correct?

17 A. Yes. You also need to take into consideration that the
18 whole system based on volunteers who would be trained to work
19 with the apes was coming from before December 2013. So the main
20 reason, you also have to understand that when Jim Benson and
21 Bill Greaves sent their undergraduate students as interns for
22 the summer, they were members of Bonobo Hope or of the science
23 board, as far as we could tell.

24 So we have been helping through the formal training of
25 the volunteers, through the work of Liz and Heather who have

1 been working in their own life with Dr. Savage-Rumbaugh, and
2 through the unpaid work of interns that were coming from
3 college, and they're graduate students of both Benson and
4 Greaves, who were members of the science board.

5 Q. You mentioned Liz and Heather. Could you identify those two
6 individuals for the record?

7 A. So Liz -- I mean, we spoke of her. I mean, she's here, and
8 she has been -- she's Sue's sister, one of Sue's sisters, and
9 she has been in charge of working with the bonobos for decades.
10 And I have to say that I didn't really know since Liz didn't
11 publish so much. Before coming to the trust, I had no knowledge
12 of the tremendous experience that she had with the apes. I
13 certainly spent more time with her during my two visits than I
14 spent with -- in 2010 and 2011, than the time I spent with
15 Savage-Rumbaugh, and she is really incredible in her own
16 connection with the apes, but also in her ability to precisely
17 inscribe this research trajectory into very concrete aspects of
18 daily life.

19 Heather is her daughter, and I don't know her
20 personally and I never observed her working with the bonobos. I
21 have heard positive reports of what she has done, but I have no
22 personal knowledge of what she has done and what she does with
23 the bonobos.

24 Q. Is Liz contributing her time and efforts as a member of BHI?

25 A. As you know, the membership of BHI is a complicated matter,

1 so Liz is not right now a member of the BHI, even though I
2 believe that she has been or she may have been. She is
3 certainly the embodiment of the research trajectory that BHI is
4 heading toward.

5 Q. Was Heather contributing efforts to support and care for the
6 bonobo as a member of BHI or in some other capacity?

7 A. She is not a member of BHI. As I told you before, I never
8 met her, but I believe that her training came at least partially
9 from the time that she spent working with Sue Savage-Rumbaugh
10 and Liz and the time she spent as a member of the family group
11 as has been defined before.

12 MR. MELHUS: Just one minute, Your Honor.

13 (Pause.)

14 MR. MELHUS: That's all the questions I have for this
15 witness at this time, Your Honor.

16 THE COURT: Redirect?

17 MR. ZIFCHAK: Your Honor, because I can't get the
18 image of an hourglass out of my mind, I have no more questions.

19 THE COURT: Thank you.

20 You may step down, sir.

21 (Witness excused.)

22 MR. STAMBAUGH: Your Honor, just a few housekeeping
23 matters. I don't know if the court is prepared to let us call
24 our next witness. I do want to move into evidence Exhibit 1006,
25 which while not a category A was proposed by ACCI, so I assume

1 there's no objection.

2 (Plaintiffs' Exhibit 1006 was
3 offered in evidence.)

4 MR. MILLER: No objection.

5 THE COURT: 1006 is received.

6 (Plaintiffs' Exhibit 1006 was
7 received in evidence.)

8 MR. STAMBAUGH: Thank you, Your Honor.

9 One moment.

10 (Pause.)

11 MR. STAMBAUGH: Your Honor, the other issue is that
12 our next witness is one of two that have been called by
13 subpoena. I don't know if the court has any concern that if we
14 don't call him this evening that he's not subject to the court's
15 jurisdiction, we may run into problems, or if you would like to
16 call this witness and have him subject to the court's
17 jurisdiction, we would be happy to do that and then we can
18 finish for this evening.

19 THE COURT: Well, is he here?

20 MR. STAMBAUGH: He is, Your Honor. May I inquire?

21 THE COURT: Why don't you talk to the witness and tell
22 the witness it looks like he's going to have to come back. He?

23 MR. STAMBAUGH: Yes.

24 THE COURT: He would just have to come back tomorrow.

25 MR. LANGE: And I have just had that conversation

1 with the witness, Your Honor, and he has committed to being back
2 tomorrow.

3 THE COURT: Okay.

4 MR. STAMBAUGH: My witness is Mr. Lyle Simpson, Your
5 Honor.

6 THE COURT: Oh, well, why don't we get a running start
7 on Mr. Simpson, and we'll adjourn at 5:00.

8 MR. STAMBAUGH: May I inquire?

9 THE COURT: Yes. By the way, I have -- somebody has
10 given me a deposition of Mr. Simpson up here.

11 MR. NEIHAUS: Yes, Your Honor.

12 THE COURT: Is this going to be offered in evidence?

13 MR. NEIHAUS: No. It's just for the court to follow
14 if it's used for impeachment.

15 THE COURT: All right.

16 MR. NEIHAUS: I also have a copy for the witness which
17 I will now put up on the stand with the court's permission.

18 THE COURT: Let's start with Mr. Simpson, and we'll
19 adjourn at 5:00. Please tell him that.

20 (Pause.)

21 THE COURT: Mr. Simpson, would you come forward,
22 please, right up here and face the clerk.

23 THE CLERK: Please raise your right hand.

24 LYLE LEE SIMPSON, DEFENDANTS' WITNESS, SWORN

25 THE COURT: Please be seated right there.

1 THE WITNESS: Thank you.

2 THE COURT: We're going to get a running start on your
3 testimony here this afternoon, Mr. Simpson; but I believe as
4 you've been told, you'll probably have to come back tomorrow.
5 Understood?

6 THE WITNESS: That's fine, Your Honor. I'm totally
7 deaf on this side (indicating).

8 THE COURT: All right.

9 THE WITNESS: So I need to watch you and make sure I
10 know what you're saying.

11 THE COURT: All right. Fair enough.

12 Counsel, you both identified Mr. Simpson as a witness.
13 I assume since we're in a bench trial, we can get his testimony
14 in the record and everybody can ask all the questions they want
15 to ask of him so that he only has to come to court once. Would
16 that be all right?

17 MR. MILLER: I appreciate that stipulation, Your
18 Honor, yes.

19 MR. STAMBAUGH: Absolutely, Your Honor.

20 THE COURT: So everybody will ask the questions they
21 have of Mr. Simpson, and then when he's done, we can excuse him.
22 You can proceed.

23 MR. NEIHAUS: Thank you, Your Honor.

24

25

1 DIRECT EXAMINATION

2 BY MR. NEIHAUS:

3 Q. Good afternoon, Mr. Simpson.

4 A. Good afternoon.

5 Q. Could you please state your full name for the record.

6 A. Lyle Lee Simpson.

7 Q. And you're an attorney here in Des Moines, is that right?

8 A. Yes, sir.

9 Q. You were counsel for IPLS; that is, plaintiff Iowa Primate
10 Learning Sanctuary in 2012 and 2013, is that right?

11 A. Yes, sir.

12 Q. And you have also been counsel for plaintiff Ape Cognitive
13 and Communication Institute or ACCI since its founding in
14 December of 2013, is that right?

15 A. Yes, sir.

16 Q. And you also formerly were counsel for defendant Bonobo Hope
17 Initiative, BHI, is that correct?

18 A. Yes, sir.

19 Q. You're appearing here today pursuant to a subpoena, is that
20 right?

21 A. That's right.

22 Q. And there's a document request attached to that subpoena, is
23 that correct?

24 A. Yes, sir.

25 Q. Did you bring any documents here with you today pursuant to

1 that subpoena?

2 A. All documents that have been requested of me that I have
3 have already been provided. I do not have the documents that
4 were on the -- listed on the subpoena today, to the best of my
5 knowledge.

6 Q. Thank you.

7 Mr. Simpson, you believe that the bonobos that are at
8 issue in this case are treasures, don't you?

9 A. Are what?

10 Q. Are treasures.

11 A. Well, yes.

12 Q. And you believe that the bonobos would not have reached
13 their current level and Iowa would not have these treasures if
14 Dr. Sue Savage-Rumbaugh had not been involved, is that right?

15 A. Both Sue and her former husband, Duane Rumbaugh.

16 Q. Isn't it true that the bonobos are so unique because they've
17 grown up sharing a culture and sharing a language with humans?

18 A. Yes. In fact, this is the only place on earth where humans
19 can actually conduct an intelligent conversation in the English
20 language with another species of life.

21 Q. Isn't it also true that the head of the human part of that
22 group was Dr. Savage-Rumbaugh?

23 A. She spent a lot of time with the bonobos.

24 Q. You believe that if the bonobos were denied the ability to
25 communicate, say if they were denied the ability to use their

1 keyboards, that that would be a travesty, isn't that right?

2 A. I don't know that I'm qualified to answer that question, but
3 I do know that they use them.

4 Q. But you believe if they were denied access, that that would
5 be a travesty, is that correct?

6 A. My opinion is only a lay opinion.

7 Q. I understand that. And what is your lay opinion, sir?

8 A. One of the unique features of these bonobos is the fact that
9 they do understand human language when it's spoken to them and,
10 you know, I suppose some people say that their horse or their
11 dog can understand also; but the level of understanding seems to
12 be superior among these bonobos.

13 Q. Mr. Simpson, you gave a deposition in this case, isn't that
14 right?

15 A. Tell me what you said.

16 Q. You gave a deposition in this case?

17 A. Yes.

18 Q. And in that deposition you told the truth, is that right?

19 A. I believe so.

20 Q. Mr. Simpson, I've placed a copy of your deposition
21 transcript in the white binder just ahead of you. If you could
22 please go ahead and open the deposition to page 57.

23 And starting at line 3, are you there, Mr. Simpson?

24 Have you found line 3, Mr. Simpson?

25 I'll withdraw the question.

1 Mr. Simpson, isn't it true that at your deposition you
2 were asked this question and gave the following answer:

3 "Q. Let me ask the question another way. If the
4 bonobos -- and this is a hypothetical question -- were
5 denied access to the keyboards with which they've become
6 accustomed, would that detract from the continued research
7 into their ability to communicate in English?"

8 At which point counsel objected. And after the
9 objection you answered:

10 "A. I think that would be a travesty."

11 A. In my opinion --

12 Q. My question is, did I read the transcript of your deposition
13 correctly?

14 MR. MILLER: Your Honor, I object. There's lack of
15 foundation and also reassert the objection stated in the
16 deposition with regard to the fact that this is calling for
17 expert testimony.

18 THE COURT: I will receive it, subject to the
19 objection.

20 BY MR. NEIHAUS:

21 Q. Did I read your deposition transcript accurately?

22 A. From what I've observed, to me that would be -- a travesty
23 is probably a good word for it.

24 Q. You at times have written letters of support on behalf of
25 Dr. Savage-Rumbaugh's research in order to raise funds, isn't

1 that correct?

2 A. For many reasons. If you're referring to the letters that
3 I've written the Governor and the Senators --

4 Q. Are those some letters that you have written in support of
5 Dr. Savage-Rumbaugh's research in order to raise funds?

6 A. The letters to the Governor were to influence the University
7 of Iowa and Iowa State University to take title to the facility
8 so that we had a stable economic base. One problem in operating
9 the facility is that you can get grants to do research, but it
10 doesn't cover the base cost of electricity and staff. And what
11 we were trying to do because we were in desperate economic
12 condition at that time was to get somebody to help us support
13 the facility, and that was the purpose for the letter to the
14 Governor.

15 Q. And in your letter -- in your letters to the Governor, you
16 praised Dr. Savage-Rumbaugh's research, isn't that correct?

17 A. Yes.

18 Q. And you also wrote a letter to a state -- I'm sorry, to
19 Senator Grassley praising Dr. Savage-Rumbaugh's research, isn't
20 that correct?

21 A. Yes.

22 Q. If I could ask you to now turn in the other binder that is
23 in front of you, the largest one, to Exhibit 25.

24 THE COURT: Counsel, when we're finished with this
25 exhibit, we'll take our evening recess at that time.

1 MR. NEIHAUS: Thank you, Your Honor.

2 BY MR. NEIHAUS:

3 Q. I would like to identify for the record Exhibit 25, which is
4 a letter from Lyle Simpson to Senator Charles Grassley written
5 on February 4, 2013.

6 Mr. Simpson, this is a letter that you wrote to
7 Senator Grassley in which you praise Dr. Savage-Rumbaugh's
8 research, isn't that correct?

9 A. Yes.

10 MR. NEIHAUS: At this time I would like to offer
11 Exhibit 25 into evidence.

12 (Defendants' Exhibit 25 was
13 offered in evidence.)

14 THE COURT: Is there any objection?

15 MR. MILLER: Well, Your Honor, we'll object to
16 relevance and hearsay; but we understand your prior order with
17 respect to accepting the evidence.

18 THE COURT: Exhibit 25 is received, subject to the
19 objection.

20 (Defendants' Exhibit 25 was
21 received in evidence.)

22 THE COURT: With that, why don't we take our evening
23 recess, shall we? 9 o'clock, 9 o'clock tomorrow morning.

24 9 o'clock in the morning, Mr. Simpson.

25 THE WITNESS: All right.

1 THE COURT: We'll see you all then. Have a pleasant
2 evening.

3 MR. STAMBAUGH: Thank you, Your Honor.

4 (Recess at 5:04 p.m., until 9:00 a.m., Thursday,
5 May 28, 2015.)

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